

rected by him consistent with the Constitution, as he may deem necessary, in disposing of all applications for pardon. The said two voters shall be known as the Board of Pardon Advisers, and shall be paid out of any money in the treasury not otherwise appropriated a salary of two thousand dollars each per annum on monthly vouchers approved by the Governor.

Sec. 2. Said board shall be required to keep a record in which will be entered every case sent it by the Governor, giving the docket number of the convict, his name, when and where convicted, his sentence, his offense, when received from the Governor, the action taken by the board and the date of said action.

Sec. 3. Said board shall be given a room in the Capitol, properly furnished with necessary furniture and file cases and provided with such stationery, letter books and other appliances which may be necessary for the speedy and proper transaction and dispatch of the business for which it is organized. In addition to the thorough examination of each application which the Governor may refer to said board, and the reporting thereon its recommendation to him, it shall perform any other work in connection with said business the Governor may direct, and said board shall spend such time each year as may be necessary in personally looking into the condition of such convicts as it desire, or as may be designated by either the Governor or the Superintendent of Penitentiaries or either of his assistants, or by the prison physician, or either of the penitentiary commissioners, giving special attention to the cases of those of long service, who may be thus designated, and who have no means or facilities for getting a proper petition before the Governor, to the end that the board may have before it such data as will enable it to judge the condition of each. All cases shall be taken up, considered and acted upon by said board in the regular order of reference by the Governor, except when it appears to the said board there is extraordinary emergency in any case.

Sec. 4. The Board of Pardon Advisers, as now constituted, shall be in all things governed by this law as though the same had been enacted before its appointment and organization.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The importance of the legislation proposed in this bill and the want of specific legislation to control the action of said board, as now constituted, and the large number of applications for pardon now on file, re-

quiring investigation and consideration, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day presented the same to the Governor at 3:30 o'clock p. m. for his approval.

TERRELL, Chairman.

ENGROSSING DEPARTMENT.

Committee Room,
Austin, Texas, March 28, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 271, being "An Act declaring who are public warehousemen of rice, and to regulate warehouses for the storage, milling or sale of rice, and to provide for the weighing, inspection, classification, handling and sale of rice therein; and to provide for the appointment and qualification of weighers and inspectors of rice; and for warehouse receipts therefor; and to provide for the fees to be charged for the weighing and inspection of rice; and to provide penalties for the violation thereof."

And find the same correctly engrossed.

BARRETT, Chairman.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Friday, March 31, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beatty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Faust, the same was dispensed with.

See Appendix for standing committee reports.

INDORSEMENTS OF THE SENATE.

The following was offered by Senator Griggs, and is self-explanatory:

St. Louis, March 27, 1905.

Senator Geo. B. Griggs, Houston, Tex.

My Dear Senator: I attach hereto copies of indorsements of your State by different foreign representatives who made a tour of Texas last spring. This means much to Texas, and if we could have the different papers use these indorsements as reading matter, I think it would be of great benefit to that State.

If you can consistently place these indorsements before the people of Texas through the columns of any of your papers, I would thank you very much to do so.

Thanking you for anything you may be able to do in the matter, I am,

Yours, truly,
S. A. HUGHES.

Ceylon Government Commission,
St. Louis Exhibition, 1904.

St. Louis, U. S. A., July 25, 1904.

Dear Mr. Hughes:

I send you a few lines with my impressions on portions of Texas, traversed with you.

The soil struck me as being most uniformly good, with few exceptions, especially so near the Red river, around San Antonio and Houston, and in the southwest, near Kingsville. The rainfall, which is doubtless short in parts, has been got over by the most successful system of artesian wells, which I was most interested in seeing on the King's ranch. Here the nature of the country will shortly be greatly changed from an endless prairie to truck growing and farming generally. Owing to the very mild winters experienced in these parts, produce can be placed on the market fully six weeks to two months ahead of California and other States, and this I consider a great point. Should, however, much land be taken up for farming, labor will become a serious matter, and there can be no doubt that some systematic form of irrigation should be initiated. With the country so very sparsely populated as it is at present it must of a necessity go ahead but slowly. The re-

sources of the State are beyond question with the cultivation of corn, cotton, rice, fruit and truck growing, to say nothing of the oil industry, all of which are in a flourishing condition.

It strikes me that to induce a good class of immigrants into the State, especially easy terms to acquire lands should be given, as in the case in Canada, where at the present moment immigration from the British isles is considerable.

The climate of the south and west should prove a great attraction for people who desire to get away from the rigors of a northern climate.

In conclusion, I consider you have only to get the people to the State to insure a very bright and prosperous future for Texas. With kind regards,

Yours truly,

(Signed) R. HUYSE ELIOT,
Assistant Commissioner for Ceylon,
World's Fair, St. Louis.
St. Louis, Universal Exposition, 1904.

Commercial Office of the Imperial German Commission. Palace of Varied Industries, World's Fair Grounds,
Paul A. Zilling, Mgr.

St. Louis, Mo., September 7, 1904.

My Dear Mr. Hughes: I have received with great pleasure your kind letter of September 3.

When I have not written you before, the reason was, that I had to take up, immediately upon my return, the important jury work which keeps me busy the whole day.

I want to say concerning our journey that both Dr. Kestner and I enjoyed it very much and to a great extent the splendid railroad communications are responsible for that. We have had in fact a lovely trip and as soon as I see Dr. Kestner, I will ask him to write you a comment upon it too. We especially enjoyed the parts of our way leading us to California and Colorado. There is such an immense future in California, such a big expansion and development, that I do not know any country in the world to be compared with.

As to the immigration of German farmers into Texas, I shall write a detailed letter to my father on that subject and all literature you will kindly hand me will be transmitted to him.

The German Immigration Commission is a body not always in session. They only meet, as far as I know, twice or three times a year and have more the character of an advisory committee to the government consisting of a chosen group of men who have had experience in immigration. So I doubt if a letter of introduction would be of any use to you, but think it better to communicate with my father first and let you know his reply in due time.

Kindly accept my very best thanks for your courtesies and believe me very truly yours,

(Signed) PAUL A. ZILLING.
An Bord des Postdampfers, Hamburg
American Line.

As representative of the Swedish Commission of the World's Fair in St. Louis, I made a trip through Texas on invitation of the Frisco system, in company with representatives of other countries, under the most excellent guidance of Mr. S. A. Hughes, General Immigration Agent.

During this trip, I traveled through a country which is almost uncultivated, but where cultivation produces abundantly corn, cotton, wheat and all kinds of vegetables and fruits.

I never tested better oranges and peaches than those grown in Texas.

I have seen there a very clear and good water pouring forth from recently found artesian wells, sufficient not only for men and animals, but also for irrigation purposes.

I therefore think that people looking for a new home, hardly could find a better place for settlement than Texas.

OTTO CALLANDER.

New York, June 8, 1904.

(Translation.)

World's Fair, St. Louis.

Office of the French Government Commissioner of Fine Arts,

St. Louis, July 23, 1904.

Dear Mr. Hughes: I have the honor of tendering to you herewith a diploma, certifying that His Excellency, the Secretary of State for Public Instruction and Fine Arts, has conferred upon you the silver palms of an officer of Academy.

In asking you to accept this decoration, I desire to honor, in your person, the great railroad company, whose accredited representative you were during the splendid trip of study that it has been our privilege to make under your enlightened guidance.

I also beg to confirm my statement that I would make a detailed report to my government of the marvelous resources of the State of Texas, whose climate, fertility of soil and especially the hospitality of its inhabitants, must attract and retain all who may be ready to leave their fatherland.

I beg, dear sir, that you will accept the expression of my most distinguished sentiments.

(Signed) TH. HORTELOUP,
French Government Resident Commissioner of Fine Arts.

National Commission of the Argentine Republic at the St. Louis Exposition.

St. Louis, July 23, 1904.

Samuel A. Hughes, Esq., General Immigration Agent of the Frisco System, St. Louis, Mo.

My Dear Mr. Hughes: You ask me

to give you in a few words my impression of the wonderful country it has been my pleasure to see under your able and courteous escort.

Texas—the Texas I had heard so much about and of which, having received such favorable reports, there was room for disappointments—has surpassed all expectations and all I had heard tell of it, and I now consider myself enlisted in its enormous army of admirers.

Nature has been bountiful, and with the excellent social and economical conditions existing as far as I have been able to observe, its future is more than assured, if it can obtain a sufficient number of able colonists to open up its enormous natural wealth in the three kingdoms, flora, fauna and gea; at present I think it offers opportunities to the working man willing to guide the plow and reap the product of his labor, which will make him not only a home for himself, but one for his descendants.

Taking this opportunity to again thank you and, through you, the Frisco system for the courteous attention we have received at their hands through you, their most able and capable agent. Believe me,

Yours very sincerely,

GUILLERMO A. PUENTE.

San Francisco, Cal., Aug. 29, 1904.

Dear Mr. Hughes: As I am going to sail for Japan tomorrow, I take this opportunity to convey my heartfelt thanks to you for the courtesy you have extended to me and my party, consisting of Commissioner Yamawaki, Landscape Architect Itchikawa and Secretary Harada, in inviting us to inspect the rice fields of Texas, and in placing the services of your railroad lines for our accommodation. I am greatly indebted to you for the opportunity of seeing your southern territory; the knowledge will be of great service to my countrymen.

It was with no small satisfaction that I noticed that your lines traversed most well cultivated stretches of land for whose development doubtless the efficient work of your company must have been largely instrumental. There is no doubt in my mind that the continuance of your efficient work in handling immigrants and their products in harmonious co-operation with other interested lines of the south will be of absolute necessity for the full development of your neglected land along the Gulf of Mexico.

It is my intention to present to my people the true condition of Texas land as to rice cultivation, encouraging the immigration of, not cheap laborers, but desirable class of people, such as could

be found among independent, industrious and enterprising farmers of Japan. Such movement, I believe, will be beneficial not only to my country, but also to your nation, because, owing to the nature of the soil and scarcity of your labor, that land will be made most productive by the hand of industrious Japanese farmers as experiments have already shown. Such action thus being to our mutual benefit, I am in hopes that you will assist me by rendering your efficient services as general immigration agent of the Frisco system for securing success for the strangers.

It is my opinion that after the completion of the Panama canal the time will come when Texas rice can be ultimately brought over to the Orient with profit, without dealing any hard blow to the rice growers of Japan, as demand for rice in that country is increasing more than home product can supply.

With best wishes for your success,
Yours truly,

BARON M. MATSUDAI.

Member of House of Peers, Vice President of the Imperial Japanese Commission to the Louisiana Purchase Exposition.

BILLS AND RESOLUTIONS.

By Senator Skinner:

Senate bill No. 314, a bill to be entitled "An Act to incorporate Itasca school district No. 72 in Hill county as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds, and maintaining public free schools therein."

Read first time, and referred to Committee on Education.

Morning call concluded.

HOUSE SIMPLE RESOLUTION ADOPTED.

The Chair laid before the Senate a House simple resolution inviting the Senate to attend the address of Hon. Martin Littleton in the Hall of the House Friday night at 8:30 p. m., March 31, 1905.

The resolution was read and adopted.

HOUSE CONCURRENT RESOLUTION NO. 22 REFERRED.

The Chair laid before the Senate House concurrent resolution No. 22,

relating to the collecting of delinquent taxes from owners of refrigerator, fruit and other private cars used in transportation of freight within this State.

On motion of Senator Decker, the resolution was referred to Judiciary Committee No. 1.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate substitute bill Nos. 26 and 104, a bill to be entitled "An Act regulating injunctions in local option elections and cases."

Senate bill No. 44, a bill to be entitled "An Act to prohibit any person, firm or association of persons, agents or employees of such person, firm, association of persons who are engaged in the occupation or business of storing or keeping for others spirituous, vinous or intoxicating liquors, within any county, justice precinct, subdivision of a county, town or city within this State, wherein the sale of spirituous, vinous and intoxicating liquors has been prohibited according to law, from allowing any vinous, spirituous or n-toxicating liquors to be drank within said place of business, and providing a penalty therefor."

Senate bill No. 276, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the 'Hallettsville Independent School District,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 281, a bill to be entitled "An Act ratifying and confirming an ordinance passed by the board of commissioners of the city of Galveston on the 13th day of March, 1905, entitled 'An ordinance abandoning, closing and discontinuing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns to construct and perpetually maintain piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, and to dredge or fill between and on the sides of such piers, docks, wharves,

warehouses, depots, platforms, tracks and elevators, on the shores of Galveston bay, within the corporate limits of the city of Galveston, upon certain specified conditions, and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

Substitute Senate bill No. 293, a bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the regular session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding to said Article 642 a new subdivision to be known as subdivision 64, providing for the organization of companies for constructing, operating and maintaining causeways or causeways and bridges, with authority to borrow money and issue bonds, without the amount of such issue being limited by the provisions of Article 653 of the Revised Civil Statutes of the State of Texas, with right to demand, receive and collect charges as fares or tolls."

House bill No. 590, a bill to be entitled "An Act creating the Jacksonville independent school district, in Cherokee county, Texas, and defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing the said district with all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only," with engrossed rider.

House bill No. 588, a bill to be entitled "An Act authorizing the operation of the irrigation reclamation act of Congress to the State of Texas in certain cases."

House bill No. 332, a bill to be entitled "An Act to amend Subdivision 22, Article 5076, Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, relating to the list of property subject to taxation required to be given by property owners so as to hereafter include automobiles."

House bill No. 320, a bill to be entitled "An Act to amend Section 16 of 'An Act to define and regulate fraternal benefit societies, orders or associations; to prescribe the terms and conditions on which such societies, organized under the laws of other States, or those doing business in other States, may be permitted to do business in Texas, and to define the duties of the Commissioner of Insurance of this State in reference thereto; providing for the incorporation of such societies, and declaring an emergency;' approved May 12, 1899, so as to exclude from

the provisions of said act the Brotherhood of Locomotive Firemen, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen, Order of Railway Conductors, Order of Railway Telegraphers, Switchmen's Union of North America and National Association of Railway Postal Clerks."

Senate substitute bill No. 43, a bill to be entitled "An Act relating to State and county finances, providing for a system of State and county depositories of State and county funds, and to repeal all laws and parts of laws in conflict herewith," with amendments.

Senate bill No. 146, a bill to be entitled "An Act to amend Article 2462, Title XLV, Chapter 3, of the Revised Statutes of 1895," relative to fees of sheriffs, with amendments.

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the railway company of the railroad and other properties of said other company," with amendments.

Substitute Senate bill No. 46, a bill to be entitled "An Act to amend Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, Revised Civil Statutes, relating to the service of citations," with amendments.

Also adopted free conference committee report to House bill No. 251, by following vote, yeas, 104; nays, 1.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

PENDING BUSINESS—HOUSE BILL NO. 52.

The Chair laid before the Senate on second reading as pending business, House bill No. 52 (the Love gross receipts bill).

The question being on the amendment by Senator Hicks, which was pending, and is as follows:

Amend by striking out "one per cent" in the engrossed rider and insert in

lieu thereof "three-fourths of one per cent."

Pending a prolonged discussion on the amendment, Senator Skinner was called to the chair.

Senator Davidson moved the previous question on the amendment, which being duly seconded, the same was ordered by the following vote:

Yeas—28.

Barrett.	Hicks.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Decker.	Hill.
Harbison.	

The amendment was then lost by the following vote:

Yeas—9.

Beaty.	Holland.
Faust.	Paulus.
Griggs.	Stafford.
Hale.	Willacy.
Hicks.	

Nays—18.

Barrett.	Hawkins.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stokes.
Harper.	Terrell.

Present—Not Voting.

Stone.

Absent.

Decker.	Hill.
Harbison.	

PAIRED.

Senator Stone (present) voted "yea."
 Senator Harbison (absent) vote "no."
 Senator Grinnan offered the following amendment:

Amend Section 1 by adding the following:

"Provided, that on the first thirty-five hundred dollars, or fractional part thereof if less, of the annual gross earnings per mile of any line of railway in this State the tax provided by this act shall be one-half of one per centum per annum thereof thereon, and that upon all such gross earnings in excess of an average sum of thirty-five hundred dollars per mile the tax herein imposed shall be one per centum per annum thereon."

Senator Smith moved the previous question on the amendment, which being duly seconded was ordered by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Terrell.
Harper.	Willacy.
Hawkins.	

Nays—1.

Stafford.

Absent.

Harbison.

The amendment was lost by the following vote:

Yeas—12.

Beaty.	Hicks.
Decker.	Holland.
Faust.	Martin.
Griggs.	Paulus.
Grinnan.	Stafford.
Hale.	Willacy.

Nays—16.

Barrett.	Hawkins.
Brachfield.	Looney.
Chambers.	McKamy.
Davidson.	Meachum.
Faulk.	Skinner.
Glasscock.	Smith.
Hanger.	Stokes.
Harper.	Terrell.

Present—Not Voting.

Stone.

Absent.

Harbison.	Hill.
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PAIRED.

Senator Stone (present) vote "I;"
 Senator Harbison (absent) vote "no."

REASONS FOR VOTING.

I vote no on the amendment of Senator Grinnan for the following reasons:

"Because I fear that if the amendment becomes a part of the bill it would render the bill or law subject to constitutional objections, which the courts might hold that it would discriminate against other railroads, and hold the law invalid. Considering the deficiency existing in the State revenue account, if this law was held to be unconstitutional it would seriously affect the finances of the State by creating a greater deficiency in the revenue account than now exists; otherwise I would support the amendment as being just to the small railroads intended to be protected by this amendment.

GLASSCOCK.

Senator Smith offered the following amendment:

Amend the bill by adding thereto the following section:

Sec. 12a. The tax imposed by this act shall not be levied upon or collected from any person, firm, association, corporation, or receiver owning, operating, managing or controlling any line of railroad in this State after such person, firm, association, corporation or receiver shall have paid the tax upon its intangible assets as provided for in an act of the Twenty-ninth Legislature, entitled "An Act for the taxation of the intangible assets of certain corporations, and to provide for the creation of a State Tax Board for the valuation of such intangible assets, and for the distribution of said valuation for local taxation, and for the assessment of said assets, and the levy and collection of taxes thereon," while the same may be in force and effect.

Senator Smith moved the previous question on the amendment and the engrossment of the bill. The motion was duly seconded and was ordered by the following vote:

Yeas—29.

Barrett.	Griggs.
Beaty.	Grinnan.
Brachfield.	Hale.
Chambers.	Hanger.
Davidson.	Harper.
Decker.	Hawkins.
Faulk.	Hicks.
Faust.	Hill.
Glasscock.	Looney.

Martin.	Stafford.
McKamy.	Stokes.
Meachum.	Stone.
Paulus.	Terrell.
Skinner.	Willacy.
Smith.	

Absent.

Harbison.	Holland.
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(Lieutenant Governor Neal in the chair.)

The amendment was adopted by the following vote:

Yeas—29.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Present—Not Voting.

Hanger.

Absent.

Harbison.

The bill was read and passed to a third reading by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	

Nays—1.

Willacy.

Absent.

Harbison.

On motion of Senator Hanger, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—30.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.

Absent.

Harbison.

The bill was read third time and passed by the following vote:

Yeas—29.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	

Nays—1.

Willacy.

Absent.

Harbison.

Senator Hanger moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTING.

Some of Hawkins' reason for vote on Love bill No. 52:

I here submit some facts and figures with reference to the bill under discussion from an article in the Saturday

Evening Post by Governor La Follette of Wisconsin, which I assign as one reason for the vote that I cast on this tax measure.

The coal rates; the iron schedules; the rates upon grain and its products; lumber; live stock and its products, are generally higher than four years ago—the increases upon coal rates alone amounting to very much more than \$25,000,000 per year.

The Interstate Commerce Commission has shown that the average rate per each ton of freight—not per ton per mile—was about twelve and three-quarter cents higher in the spring of 1904 than in 1899. When the increase was applied to the traffic of 1903 it was found that it meant an increase in gross earnings, from this single source, of over \$155,000,000. From this cause alone the gross earnings from the freight traffic in 1903 was thus over thirteen per cent greater than would otherwise have been the case. The gross earnings from freight traffic were \$424,282,871 greater in 1903 than in 1899. Of this amount \$155,000,000, or about thirty-six per cent, was derived from increases in rates.

No one will question the soundness of the proposition that as the volume of traffic increases, and the efficiency of transporting is developed and improved, the cost is greatly reduced, and rates should fall proportionately. But, instead, rates have steadily advanced, adding greatly to the increased cost of living, wrongfully imposing burdens upon the great body of consumers throughout the country.

The volume of traffic has greatly increased since 1896. In 1897 the tons of freight carried one mile per mile of road amounted to 519,079. In 1902 it stood 793,351. The increase thus amounts to 274,272, or about fifty-two per cent.

The facilities for handling were greatly improved, increasing the number of tons carried in each car and the number of loaded cars in each train, as well as the capacity of engines for moving larger loads. Roadbeds and tracks have likewise been improved, and all of the elements of cost in transporting freight greatly reduced. Yet the cost of these improvements has, as a rule, been charged to operating expenses, and paid for in the increased rates by the people.

In 1897 it required 1647 cars to carry 1,000,000 tons of freight; in 1903 it required only 1268 cars to carry that amount. In 1897 each locomotive carried 36,362 tons of freight; in 1903 each locomotive hauled 51,265 tons. In 1897 the average number of tons per freight

train mile amounted to 204.62; in 1902 it amounted to 296.47. Here, then, we have an increase in the efficiency of the road to handle freight that is equal to about forty-two per cent.

With the increase in the volume of traffic the profits of handling the same will be relatively very much larger, even though there is no improvement in the facilities of transportation. But where the facilities have all undergone the marked improvement above noted, the profits are, of course, enormously increased. This proves to be the case with the railway companies during recent years.

For the whole country gross earnings per mile were as follows:

The gross earnings per mile were \$6122 in 1897 and \$8625 in 1902, an increase for the period that amounted to \$2503 per mile, or to 40.9 per cent.

The net earnings per mile amounted to \$2016 in 1897, and to \$3084 in 1902, an increase of \$1068 per mile, or forty-six per cent.

The net earnings per mile in 1897 were equal to six per cent on \$33,600. The net earnings per mile in 1902 were equal to six per cent on \$50,800.

We have, then, an increase in the volume of the traffic amounting to fifty-two per cent, an increase in the efficiency of the road to handle all the traffic equal to forty-two per cent, with a resulting increase in gross earnings for the period amounting to 40.9 per cent per mile of road, and of net earnings amounting to forty-six per cent. Add to this the fact that the net earnings per mile on all the railroads of the country equaled six per cent on a capitalization of \$33,600 for the year 1897, while the net earnings per mile by 1902 had amounted to such a figure as would equal six per cent on \$50,800 per mile, and we have a result the significance of which can escape no intelligent man.

Observe now what is definitely shown with respect to advancing rates. The approximate average rate per ton per mile was 7.24 mills in 1899 and 7.57 mills in 1902. The average revenue per freight train mile was \$1.63 in 1897, and \$1.79 in 1899, while in 1902 it amounted to \$2.44.

HAWKINS.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Texas, March 31, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to re-

turn House bill No. 252, and I herewith return said bill.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

PRIVILEGED MOTION.

Senator Griggs called up Senate bill No. 252, and

Senator Griggs moved that the Senate rescind the vote on the final passage of Senate bill No. 252 (notice of which was given yesterday).

The motion was adopted.

Senator Griggs then made the following motion:

Moved, that the Senate refuse to concur in the House amendments to Senate bill No. 252, and that a free conference committee be asked for.

The motion was adopted.

The Chair appointed the following on the free conference committee: Senators Griggs, Beaty and Terrell.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, March 31, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 387, a bill to be entitled "An Act to create and establish a Confederate Woman's Home for the indigent wives and widows of the ex-Confederate soldiers and sailors of Texas, and to make an appropriation for the maintenance of the same, and to provide for a governing board," with engrossed rider.

Senate bill No. 49, a bill to be entitled "An Act to prescribe when the defense of assumed risk shall not be available when interposed by a person, firm, corporation or receiver, or lessee, operating or carrying on any business, calling or occupation requiring the use of machinery of any kind, in any suit for damages that may be prosecuted under the laws of this State for the death or personal injury of any employee," with amendments.

Senate bill No. 45, a bill to be entitled "An Act to amend Article 3611, Title LXXVII, Chapter 1, of the Revised Civil Statutes," relative to a partitioning of real estate and decree of the court and appointment of commissioners, with amendments.

House concurrent resolution No. 23, relating to the appointing of a com-

mittee to visit all departments of the main university and the medical department at Galveston.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

SENATE BILL NO. 47—HOUSE
AMENDMENTS CONCURRED
IN.

Senator Holland called up

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

And moved that the Senate concur in the following House amendments:

(Committee Amendment.)

Amend by adding at the end of Section 2 the following:

Provided further, that either in the event of purchase or lease by the Gulf, Colorado and Santa Fe Railway Company of the said Cane Belt Railroad, and before such sale or lease can take effect there shall be filed with the Railroad Commission of Texas a full and complete statement of the following matters, to wit: (a) the date when such sale or lease was first agreed upon and first put in process of consummation; (b) the date when such sale or lease, if either has heretofore been consummated, agreed on or put in process of consummation, was so consummated, agreed on or put in process of consummation; (c) the terms of such sale or lease, made or to be made, together with the price paid, or to be paid; if a sale, to whom such price has been or is to be paid, and if a lease, when the terms and conditions of such lease, as in the act contemplated.

There shall also be filed with said Commission a complete statement showing who owned the shares of stock of said Cane Belt Railroad Com-

pany, at the time of its transfer from said Cane Belt Railroad Company, or the holders thereof, together with the amount of stock owned by each stockholder of said Cane Belt Company, and the amount paid and to be paid to each of such stockholders, either by the Gulf, Colorado and Santa Fe Railway Company, or any other company or person or persons from whom the said Santa Fe Railway Company has, or is to acquire said Cane Belt stock, or to the lease of said Cane Belt Railroad.

The motion was adopted by the following vote:

Yeas—24.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hale.	Terrell.
Hanger.	Willacy.

Nays—3.

Harper.	Smith.
Looney.	

Present—Not Voting.

Brachfield.	Hawkins.
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Absent.

Harbison.	Hicks.
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Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SUBSTITUTE SENATE BILL NO. 45
—HOUSE AMENDMENTS CON-
CURRED IN.

Senator Glasscock called up

Senate Substitute bill No. 45, a bill to be entitled "An Act to amend Article 3611, 3621, Title LXXVII, Chapter 1, of the Revised Statutes."

And moved that the Senate concur in the following House amendments:

Amend by inserting after the word "execution," in line 34 of Article 3621, the following: "Or by private sale, through a receiver, if the court so orders."

The motion was adopted.

HOUSE BILL NO. 276.

Senator Davidson moved that the pending order of business (House bill No. 46) be suspended and the Senate take up, out of its order, House bill No. 276.

Pending objection by Senator Brachfield to taking up the bill.

Senator Davidson, in his remarks favoring the bill, offered the following and asked that it be published in the Journal:

State of New York,

City and County of New York, ss:

William H. McIntyre, being duly sworn, says:

"I reside in the borough of Manhattan, city of New York. In July, 1903, I bought from the Southern Pacific Company forty-nine thousand, two hundred and seventy (49,270) shares of the capital stock of the San Antonio and Aransas Pass Railway Company. The stock of said railway company was afterwards reduced, in compliance with an order of the Railroad Commission of Texas, from \$5,000,000 to \$1,000,000. The stock so held by me was surrendered by me for an equivalent proportion of reduced capital stock of said San Antonio and Aransas Pass Railway Company, viz., 9584 shares. The certificate for said 9584 shares of stock is in my name, and the said certificate and shares represented thereby and the beneficial interest therein is and are held by me for myself and associates. The Southern Pacific Company is not one of my associates and has no interest in said shares of stock, and I have no instructions or request from the Southern Pacific Company in regard to voting or not voting for any member of the board of directors of the said San Antonio and Aransas Pass Railway Company.

W. H. MINTYRE.

Sworn to before me this 21st day of March, 1905.

(Seal)

R. DAMM,

Notary Public Kings County, New York.

Certificate filed in New York county.

The motion to take up the bill was adopted by the following vote:

Yeas—22.

Barrett.	Hale.
Beaty.	Hanger.
Chambers.	Hicks.
Davidson.	Hill.
Decker.	Holland.
Faulk.	Martin.
Faust.	McKamy.
Griggs.	Meachum.
Grinnan.	Paulus.

45—Senate.

Stafford.
Stokes.

Stone.
Willacy.

Nays—8.

Brachfield.
Glasscock.
Harper.
Hawkins.

Looney.
Skinner.
Smith.
Terrell.

Absent.

Harbison.

REASONS FOR VOTING "NO."

We vote "no" on taking the consideration of this bill because of opinions and information furnished by the Railroad Commission, attached hereto, and asked to be published herein as a part of our reasons.

BRACHFIELD.
HAWKINS.
LOONEY.
SMITH.
GLASSCOCK.
TERRELL.
HARPER.

Office of the Railroad Commission of Texas.

Austin, Texas, March 20, 1905.

Hons. Arch. Grinnan, A. S. Hawkins, Chas. L. Brachfield, A. J. Harper, C. M. Chambers, J. L. Harbison, Emory C. Smith, J. M. Terrell, G. W. Glasscock, B. F. Looney, Senate Chamber. Gentlemen: The Railroad Commission of Texas has received your letter of March 16th, reading as follows:

"To the Railroad Commission of Texas: There is some doubt in the minds of some of the Senators as to whether Senate bill No. 218, authorizing the consolidation of certain lines of railroad, is constitutional, and as we are not in possession of sufficient facts to act advisedly in the matter, we will appreciate it if you will furnish us with a statement of the data in your possession; and in furnishing this information we would like to have your opinion as to the constitutionality of this bill, and whether or not said bill is in accord with sound public policy."

You ask for all the facts in our possession in order that you may act advisedly in voting on Senate bill No. 218, which authorizes the consolidation of certain lines of railroads in this State.

Complying with your request we give you all the data which we have that might throw any light upon any question relating to the several railroad corporations involved in this proposed bill. To begin with we quote below the charter of the Southern Pacific Company, a corporation chartered

by an act of the Kentucky Legislature, being Chapter 403 of the Acts of 1884, as amended by act approved March 21, 1888, said act reading as follows:

CHARTER OF SOUTHERN PACIFIC COMPANY.

An Act to incorporate the Southern Pacific Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Henry D. McHenry, William G. Duncan, Samuel E. Hill, Samuel K. Cox, Henry McHenry, Jr., and their associates and successors and assigns be, and they are hereby created and constituted a body corporate and politic under the name of the Southern Pacific Company, and as such shall have perpetual succession, and be capable in law to purchase, grant, sell or receive, in trust or otherwise, all kinds of personal and real property, to such amount as the directors of said company may from time to time determine; and to contract, and be contracted with, sue and be sued, plead and be impleaded, appear and prosecute to final judgment all suits or actions at law or in equity in all courts and places and to have and use a common seal, and to alter the same at pleasure, and to make and establish such by-laws, rules and regulations for the government of said company and the conduct of its business as said corporation, or the stockholders therein, shall deem expedient or necessary for the management of its affairs, not inconsistent with the Constitution and laws of this State or of the United States; and generally to do and execute all acts, matters and things which may be deemed necessary or convenient to carry into effect the powers and privileges herein granted; provided, however, that said corporation shall not have power to make joint stock with, lease, own or operate any railroad within the State of Kentucky, except subject to and in conformity with the provisions of the laws of the State of Kentucky applicable to railroads, and acquiring no special rights that may be possessed by any railroads in the State except the general and ordinary rights of common carriers as possessed by railroads generally.

Section 2. The said corporation is hereby authorized and empowered to contract for and acquire, by purchase or otherwise, bonds, stocks, obligations and securities of any corporation, company, or association now existing, or hereafter formed or constituted, and bonds, obligations and securities of any individuals, State, Territory, government or local authorities whatsoever, and to enter into contracts with any corporation, company or as-

sociation, individuals, State, Territory, government or local authorities, in respect of their bonds, stock, obligations and securities; or in respect of the construction, establishment, acquisition, owning, equipment, leasing, maintenance or operation of any railroads, telegraphs or steamship lines, or any public or private improvements, or any appurtenances thereof, in any State or Territory of the United States, or in any foreign country; and to buy, hold, sell and deal in all bonds of public and private stocks, bonds and securities; and said corporation may borrow and loan money, issue its own bonds or other evidences of indebtedness, and sell, negotiate and pledge the same to such amounts, upon such terms, and in such manner as may from time to time be determined by the directors of said corporation, and it may mortgage all or any part of its property, assets and franchises to secure such bonds and the interest thereon on such terms and conditions as shall on that behalf be prescribed by its board of directors.

Section 3. The capital stock of said corporation shall be one million dollars, divided into shares of one hundred dollars each, which shares shall be deemed personal property and may be issued, transferred and forfeited for non-payment in such manner as the board of directors of such corporation may determine; and no person shall be in any wise liable as a stockholder of said corporation after said capital stock to such amount of one million dollars shall have been paid in, in cash, and a certificate to that effect, signed and sworn to by the treasurer and a majority of the board of directors of said corporation, shall have been filed in the office of the Secretary of State of this State; nor shall the said corporation, nor any of the officers or agents thereof be thereafter bound to make any further returns or certificates. Provided, however, that if after the payment of such capital stock any part thereof shall be withdrawn for or refunded to any of the stockholders, when the property of the corporation is insufficient or will thereby be rendered insufficient for the payment of all its debts, the stockholders receiving the same shall be bound and obliged to repay to said corporation or its creditors the amount so withdrawn or refunded.

Section 4. Any two of the persons above named as incorporators of said corporation may call the first meeting for the organization of such corporation, at such time and place as they may appoint, by mailing a proper notice of such meeting to each of such incorporators at least ten days before the time appointed; and in case a majority of such incorporators shall attend

such meetings, either in person or by proxy, they may open books for subscription to its capital stock, and whenever five hundred thousand dollars shall be subscribed and 10 per cent of said subscriptions shall be paid in cash, the stockholders of said corporation may organize the same, and said corporation may proceed to business.

Section 5. Each share of stock shall entitle the holder thereof to one vote, in person or by proxy, at all meetings of the stockholders. The holders of a majority in interest of the capital stock present, in person or by proxy, shall constitute a quorum. The corporation shall have a lien on all the stock and property of its members invested therein, for all debts due by them to said corporation, which lien shall be enforced in such manner as the by-laws shall prescribe.

Section 6. The stock, property and affairs of said corporation shall be managed by a board of directors of such number, not less than three, as may be from time to time determined by the corporators or stockholders. The directors shall be elected by the stockholders at such time and place and in such manner and for such terms as the stockholders shall from time to time determine. Meetings of directors or stockholders may be held within or without the State. No person shall be elected a director who is not a stockholder of the corporation. A majority of the directors shall constitute a quorum of said board for the transaction of business. The directors shall appoint from their own number a president, and they shall also appoint a clerk and treasurer and such other officers and agents as they may deem proper, to hold their offices during the pleasure of the board. In case of a vacancy or vacancies in the board the remaining directors may fill such vacancy or vacancies. The capital stock of said corporation may be increased from time to time to such sum as may be determined by the board of directors of said corporation, provided such increase or diminution shall be approved by at least two-thirds in interest of the stockholders of said corporation.

Section 7. The annual tax upon said corporation shall be the same as is now fixed by law for broker's license; provided, that all property owned by said corporation and situated in the State shall pay the same State and local tax as is assessed upon similar property; and capital stock in said corporation owned by citizens of the State shall be assessed against the holders thereof as choses in action under the equalization law.

Section 8. The company shall keep

an office for the transaction of business and the clerk or assistant clerk of said corporation shall reside within the State of Kentucky; but the said corporation may keep offices at such places outside of this State as in the judgment of its board of directors its business may from time to time require. Provided, that nothing herein contained shall be construed as granting any lottery or banking privilege.

Section 9. This act shall take effect immediately upon its passage.

I beg to state that the Official Guide of the Railways and Steam Navigation Lines of the United States, Porto Rico, Canada, Mexico and Cuba for the month of March, 1905, shows that the executive department of the Southern Pacific Company consists of the following persons:

E. H. Harriman, president and chairman of the executive committee, New York.

W. D. Cornish, vice president, New York, N. Y.

J. C. Stubbs, vice president, Chicago, Ill.

J. Kruttschnitt, vice president, Chicago, Ill.

—, vice president, San Francisco, Cal.

Alexander Millar, secretary, New York, N. Y.

Joseph Hellen, assistant secretary, New York, N. Y.

—, assistant secretary, San Francisco, Cal.

John B. Weaver, assistant Secretary, Crescent Hill, Ky.

N. T. Smith, treasurer, San Francisco, Cal.

Wm. Mahl, comptroller, New York, N. Y.

Herbert S. Bradt, assistant comptroller, New York, N. Y.

It is not improper for me to say in this connection for a full answer to your inquiries that it is my general information that a majority of the stock of the Southern Pacific Company is owned and controlled by the Union Pacific Railroad Company. The general officers of the Union Pacific Railroad Company, as shown by the Official Guide of Railways of the United States, above referred to, are as follows:

E. H. Harriman, President, New York.

Wm. D. Cornish, Vice President, New York.

Wm. V. S. Thorne, Director of Purchases, New York.

Alex. Millar, Secretary, New York.

Joseph Hellen, Assistant Secretary.

Wm. Mahl, Comptroller, New York.

Herbert S. Bradt, Assistant Comptroller, New York.

The annual report of the Galveston, Harrisburg and San Antonio Railway Company to the Railroad Commission

of Texas for the fiscal year ending June 30, 1904, shows that the Southern Pacific Company owns 270,529 shares of the capital stock of the said Galveston, Harrisburg and San Antonio Railway Company, and that the remainder or 315 shares, are held by other parties.

The annual report of the Gulf, Western Texas and Pacific Railway Company to the Railroad Commission of Texas for the fiscal year ending June 30, 1904, shows that 4965 shares out of 5000 shares of its capital stock, are owned by the Morgan's Louisiana and Texas Railroad and Steamship Company of New Orleans, Louisiana. Papers on file in the Railroad Commission office show that 149,940 shares of the capital stock of the Morgan's Louisiana and Texas Railroad and Steamship Company, are owned and controlled by the Southern Pacific Company, the same being a controlling interest in said Louisiana corporation.

The annual report of the New York, Texas and Mexican Railway Company to the Railroad Commission of Texas for the fiscal year ending June 30, 1904, shows that the Southern Pacific Company of Beechmont, Kentucky, owns 6090 shares out of 8018 shares of its capital stock outstanding.

The annual report of the Galveston, Houston and Northern Railway Company to the Railroad Commission of Texas for the year ending June 30, 1904, shows that E. F. Hyde, New York city, owns 1980 shares of its capital stock, the total capital stock outstanding being 2000 shares. Other data on file in the Railroad Commission office shows that for the year 1902 the Southern Pacific Company paid taxes on 1989 shares of the capital stock of the Galveston, Houston and Northern Railway Company.

The San Antonio and Gulf Railroad Company, running from San Antonio to Stockdale, with charter rights to build to Cuero, has a total of 320 shares of capital stock outstanding, 311 of which are owned by Geo. M. Thornton of New York. But it is the understanding of the Railroad Commission that this is a Southern Pacific property and that the stock is held by the said Thornton for the benefit of the Southern Pacific Company.

From the foregoing you will observe that the Union Pacific Railroad Company owns a majority interest in the stock of the Southern Pacific Company. The Southern Pacific Company owns a controlling interest in the stock of the several railway companies named in the proposed act, which authorizes the Galveston, Harrisburg and San Antonio Railway Company to buy and consolidate the New York, Texas and Mexican Railway Company, the Gulf Western Texas and Pacific Railway Company,

the San Antonio and Gulf Railroad Company, the Gonzales Branch and the Galveston, Houston and Northern Railway Company.

The executive officers of the G. H. & S. A. Ry Co., as shown by its annual report to the Railroad Commission of Texas, for the year ending June 30, 1904, are as follows:

President, E. H. Harriman, Arden, N. Y.

First Vice President, T. Fay, Houston, Texas.

Second Vice President, W. G. Van Vleck, Houston, Texas.

Secretary, C. B. Seger, Houston, Texas.

Treasurer, B. C. Cushman, Houston, Texas.

Assistant Treasurer, A. K. Van Deventer, New York, N. Y.

Auditor, C. B. Seger, Houston, Texas.

The executive officers of the G. H. & N. Ry. Co., as shown by its annual report to the Railroad Commission of Texas, for the year ending June 30, 1904, are as follows:

President, E. H. Harriman, Arden, N. Y.

First Vice President, T. Fay, Houston, Texas.

Second Vice President, W. G. Van Vleck, Houston, Texas.

Secretary, C. B. Seger, Houston, Texas.

Treasurer, B. C. Cushman, Houston, Texas.

Auditor, C. B. Seger, Houston, Texas.

The executive officers of the N. Y. T. & M. Ry. Co., as shown by its annual report to the Railroad Commission of Texas, for the year ending June 30, 1904, are as follows:

President, Thornwell Fay, Houston, Texas.

First Vice President, W. G. Van Vleck, Houston.

Second Vice President, D. T. Forbes, Victoria, Texas.

Secretary, B. M. Smith, Victoria, Texas.

Treasurer, W. J. Craig, Victoria, Texas.

Assistant Secretary and Assistant Treasurer, A. K. Van Deventer, New York.

Auditor, T. A. Duff, Victoria, Texas.

The executive officers of the G. W. T. & P. Ry. Co., as shown by its annual report to the Railroad Commission of Texas for the year ending June 30, 1904, are as follows:

President, Thornwell Fay, Houston, Texas.

First Vice President, W. G. Van Vleck, Houston, Texas.

Second Vice President, D. T. Forbes, Victoria, Texas.

Secretary, B. M. Smith, Victoria, Texas.

Assistant Secretary and Assistant Treasurer, A. K. Van Deventer, New York.

Auditor, T. A. Duff, Victoria, Texas.

The executive officers of the S. A. & G. R. R. Co., as shown by its annual report to the Railroad Commission of Texas, for the year ending June 30, 1904, are as follows:

President, Alvin W. Kreech, New York, N. Y.

First Vice President, E. E. Shackford, San Antonio, Texas.

Secretary, S. G. Newton, San Antonio, Texas.

Treasurer, E. E. Shackford, San Antonio, Texas.

Assistant Treasurer, Harry T. Johanson, New York, N. Y.

Auditor, J. W. Richardson, San Antonio, Texas.

In so far as the Gonzales Branch is concerned, there is nothing whatever in the Railroad Commission office showing it at this time to be a separate line from the G. H. & S. A. Ry. Co., but an examination of the records of the Secretary of State shows that the Gonzales Branch Railroad company was chartered November 21, 1881, under the General Laws of the State, to build a line from Harwood, in Gonzales county, Texas, to the town of Gonzales, with principal office at Harwood, the authorized capital stock being \$240,000, with the following incorporators:

T. W. Pierce, Boston, Mass.

Jas. Converse, E. P. Hill, C. C. Gibbs, J. C. Fisher, Houston.

H. B. Andrews, San Antonio.

T. W. Pierce, Jr., Houston.

I. E. Gates, E. H. Pardee and J. B. Howe of —.

Since the organization of the Railroad Commission of Texas, the G. H. & S. A. Ry. Co. has been reporting the Gonzales Branch as a branch line.

The Union Pacific Railroad Company, of which E. H. Harriman, of New York, is president, consists of lines running from Kansas City west to Denver, and from Omaha, on the Missouri river, west to Helena, Mont., Spokane, Wash., and Portland, Ore.

The Southern Pacific Company, of which E. H. Harriman, of New York, is president, owns lines running from New Orleans to San Francisco and Portland, Ore., and from San Bernardo north to Ogden, where it connects with the Union Pacific, and operating a line from Ogden west to San Francisco.

The Galveston, Harrisburg and San Antonio Railway Company, as shown by its annual report to the Commission for the year ending June 30, 1904, consists of 917 miles, running from Houston to El Paso, Harrisburg to

Stella, Smith Junction to La Grange, Harwood to Gonzales, and from Spoford to Eagle Pass. E. H. Harriman of New York is president of this company.

The Galveston, Houston and Northern Railway Company, as shown by its annual report to this Commission of date June 30, 1904, has a mileage of 60.62 miles, running from Houston to Galveston, and E. H. Harriman of New York is president of this company.

The New York, Texas and Mexico Railway Company, as shown by its annual report to the Commission of June 30, 1904, shows lines running from Rosenberg, Texas, to Victoria, Wharton Junction to Van Vleck, Van Vleck to Hawkinsville, and from Bay City Junction to Palacios, consisting in all of 176.71 miles. T. Fay of Houston, Texas, is president of this company.

The Galveston, West Texas and Pacific Railway Company, as shown by its annual report to the Commission of June 30, 1904, shows that it owns lines running from Cuero to Port Lavaca, and from Victoria to Beeville, comprising 111.42 miles. T. Fay of Houston, Texas, is president of this company.

The San Antonio and Gulf Railroad Company, as shown by its annual report to the Commission, has a line running from San Antonio to Stockdale, comprising 36.93 miles. The charter of this company authorizes the extension of said line to some point in Galveston county, through the counties of Bexar, Wagon, Gonzales, De Witt, Lavaca, Victoria, Jackson, Wharton, Matagorda and Brazoria.

Until I began this letter it appears not to have been known in this office that the Gonzales Railroad Company was a distinct corporate organization, it having all along been treated as a branch of the Galveston, Harrisburg and San Antonio Railway Company. It has kept its franchise tax paid to the Secretary of State, but has made no reports to the Railroad Commission, and as far as known in this office has elected no officers and kept no general office on its line of road. As bearing on this matter, the following is quoted:

"Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the

names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the comptroller or governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section." Section 3, Article 10, State Constitution.

On the same subject the statutes provide:

"Article 4367. Every railroad company chartered by this State, or owning or operating any line of railway within this State, shall keep and maintain permanently its general offices within the State of Texas at the place named in its charter for the locating of its general offices; and if no certain place is named in its charter where its general offices shall be located and maintained, then said railroad company shall keep and maintain its general offices at such place within this State where it shall have contracted or agreed or shall hereafter contract or agree to locate its general office for a valuable consideration; and if said railroad company has not contracted or agreed for a valuable consideration to maintain its general office at any certain place within this State, then such general office shall be located and maintained at such place on its line in this State as said railroad companies may designate to be on its line of railway. And such railroads shall keep and maintain their machine shops and roundhouses, or either, at such place or places as they may have contracted to keep them for a valuable consideration received; and if said general offices and shops and roundhouses, or either, are located on the line of a railroad in a county which has aided said railroad by an issue of bonds in consideration of such location being made, then said location shall not be changed, and this shall apply as well to a railroad that may have been consolidated with another as to those which have maintained their original organization.

Art. 4369. Each and every railroad company chartered by this State, or owning, operating or controlling any line of railroad within this State, which shall violate any of the provisions of

this chapter shall forfeit the charter by which it operates its railroad in this State to the State of Texas, and it is hereby made the duty of the Attorney General of this State, upon the application of any interested party or on his own motion, to proceed at once against every railroad company owning, operating or controlling any line of railway within this State by quo warranto to forfeit the charter of the railroad company so offending or violating any of the provisions of this law, shall, in addition to forfeiting the charter to that part of the railroad situated within this State, be subject to a penalty of five thousand dollars for each and every day it violates any of the provisions of this chapter, said penalty to be recovered in the name of the State of Texas by a suit which shall be filed by the Attorney General in any court in this State having jurisdiction, and on the trial the court shall, if it finds that the railroad company has violated any of the provisions of this chapter, render judgment in the name of the State of Texas at the rate of the sum of five thousand dollars for each and every day said court shall find that said railroad company violated any of the provisions of this chapter. And any money recovered from any railroad company under the provisions of this law shall be paid over into the State treasury and become a part of the available public free school fund." Revised Statutes of 1895.

Chief Justice Stayton in *East Louisiana and Red River Railway Company vs. the State*, says:

"That respondent's abuse of its franchise is evidenced by an act violative of the Constitution, and that its non-user of its franchises may be attributable to that act in this proceeding, becomes important as an aggravating fact indicating the willfulness of the act; but still the fact remains that respondent used its powers for a forbidden purpose, which is a misuser of its franchise, and the further fact that it failed for a long time to exercise its corporate franchises to carry out the purposes for which they were given.

Such abuse and nonuse of the corporate franchise gives common law grounds for a forfeiture of respondent's charter, and there is nothing in the statute which indicates that the State intended to waive its right to a forfeiture, and the court below correctly so held." *Texas Reports*, vol. 75, p. 451.

If I understand Section 3 of the bill its effect on the outstanding stock of the several roads is shown by the following tables, table No. 1 showing the status on June 30, 1904, and table No. 2 showing the effect of the bill on same:

TABLE NO. 1.

Names of Companies.	Capital stock outstanding.	Funded debt outstanding.	Total stock and bonds.
Galveston, Harrisburg and San Antonio.....	\$27,084,400	\$25,528,000	\$52,612,400
Galveston, Houston and Northern.....	200,000	800,000	1,000,000
New York, Texas and Mexico.....	630,040	2,360,000	2,990,040
Gulf, West Texas and Pacific.....	500,000	2,224,000	2,724,000
San Antonio and Gulf.....	32,000	.....	32,000
Totals.....	\$28,446,440	\$30,912,000	\$59,358,440

Names of Companies.	Equipment trust obligations, including accrued interest.	Other liabilities.	Grand total all liabilities.
Galveston, Harrisburg and San Antonio.....	\$ 1,581,370	\$ 9,295,629	\$63,489,399
Galveston, Houston and Northern.....	1,266	864,043	1,865,309
New York, Texas and Mexico.....	.....	1,330,025	4,320,065
Gulf, West Texas and Pacific.....	.....	1,362,270	4,086,270
San Antonio and Gulf.....	.....	130,027	162,027
Totals.....	\$ 1,582,636	\$12,981,994	\$73,923,070

TABLE NO. 2.

Names of Companies.	Aggregate of stock and bonds.	Valuations by Railroad Commission.	Amount stock and bonds required to be canceled.
Galveston, Harrisburg and San Antonio.....	\$52,612,400	\$16,142,297	.....
Galveston, Houston and Northern.....	1,000,000	1,000,000	.....
New York, Texas and Mexico.....	2,990,040	2,306,400	\$ 683,640
Gulf, West Texas and Pacific.....	2,724,000	1,318,082	1,405,918
San Antonio and Gulf.....	32,000	.....	.....
Totals.....	\$59,358,440	\$20,766,779	\$ 2,089,558

I will call your attention again to the fact in explanation of table No. 2 that as far as known to this commission there are no bonds outstanding on the Gonzales Branch Railroad at present, and there is only stock to the amount of \$32,000 outstanding against the San Antonio and Gulf Railroad. The commission has never placed a valuation on the San Antonio and Gulf Railroad, nor has it ever placed a valuation on the Galveston, Houston and Northern Railway, running from Houston to Galveston. But it has allowed the registration of \$1,000,000 of stock and bonds upon said property. However, by the terms of the bill the Galveston, Houston and San Antonio Railway Company will be entitled to a valuation of the San Antonio and Gulf Railroad and of the Gonzales Branch Railroad and of the Galveston, Hous-

ton and Northern, while by the terms of the bill, as shown in column four, of table No. 2, according to my interpretation of Section 3 of said bill, there would be a reduction of the outstanding stock against the several companies amounting to the sum of \$2,089,558, yet a valuation of the property mentioned and the issuance of bonds on same will probably give the Galveston, Harrisburg and San Antonio Railway Company the right to issue a larger sum of bonds than will be canceled in stock by the terms of the bill. However, this statement is speculative and is merely an estimate.

There is a second mortgage on the Galveston, Harrisburg and San Antonio Railway's Company's line between Houston and San Antonio for \$1,000,000, and bonds are outstanding in this sum bearing 7 per cent interest, and

will mature on June 1 of this year. The provisions of this bill would probably authorize this company to issue bonds upon the property to be acquired with which it could redeem the \$1,000,000 of maturing bonds referred to. Whether this is one of the purposes of the bill is not specifically disclosed by its terms.

The mortgage which secures the \$1,000,000 of 7 per cent bonds maturing this year covers the property "from Harrisburg and Houston to San Antonio, together with the bridges, equipment, depots and depot grounds and other lands occupied by said railroad, also income and franchises appertaining to same, also including all lands that may have been or may hereafter be acquired by virtue of any general or special act of Legislature for the construction of said line of road."

The outstanding capital stock of the Southern Pacific Company on July 1, 1902, was \$197,847,788.40, and \$130,573,788.40 of said stock was issued for the acquisition of the following stocks:

Galveston, Harrisburg and San Antonio Railway Co.	\$ 27,005,600
Louisiana Western Railroad Company	3,310,000
Morgan's Louisiana and Texas Railway and S. S. company	4,994,000
Southern Pacific Railroad Company of California...	96,733,015
Southern Pacific Railroad Company of Arizona.....	19,992,600
Southern Pacific Railroad Company of New Mexico.	6,886,300
Texas and New Orleans Railroad Company	4,997,500
Mexican International Railroad Company	4,164,000
Total	\$168,088,115

The certificates representing the \$168,088,115 stocks above referred to of the above proprietary companies are held by the Union Trust Company of New York, and each certificate has stamped thereon the following:

This Certificate of stock is the property of the Southern Pacific Company and is not rightfully in the hands of other parties, nor negotiable, until the Registrar of said company's stock shall have certified hereon that stock of said Southern Pacific Company, equivalent to the stock represented by this certificate at the proportionate rate at which the same was acquired by said company, has been retired and cancelled and thirty days' prior notice has been given to the New York Stock Exchange of such intended retirement and cancellation.

The Galveston, Harrisburg and San

Antonio Railway company's stock is not quoted upon the stock exchanges of the country, but the stock of the Southern Pacific company is quoted and is daily bought and sold. From a recognized authority I find that on the 27th day of February, last, Southern Pacific shares were quoted at 72c. On this basis of valuation, assuming that one share of Southern Pacific stock represents an equal amount of stock of the Galveston, Harrisburg and San Antonio Railway Company, the \$27,005,600 of stock of the Texas corporation would be bringing at that price \$19,444,032.

The attached map shows the several railroads included within the terms of the bill, each line being drawn in a different color, as now completed. The bill gives the G. H. & S. A. Ry Co. the right to extend the San Antonio and Gulf to Cuero, and the projected extension is shown. The map shows the G. H. & S. A. to a point west of the Eagle Pass branch. The railroad shown by the black line is the San Antonio and Aransas Pass. The map follows:

As to the constitutionality of the bill: The following sections are taken from Article X of the Constitution:

"Sec. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with or lease or purchase the works of franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line."

"Sec. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States."

We also quote the following:

"We further concur with the court below in holding that railways, by reason of their relation with, control, or management of other lines than their own, may become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect."—Chief Justice Stayton, E. L. & R. R. Ry. Co. vs. The State, 75 Vol. Tex. Reports, page 446.

Each and every railroad in this State is more or less competitive with each other. Each seeks business that may be delivered by any one line to another on its way to final destination. This much with reference to the provisions

of Section 5 of Article X of the Constitution.

The sale of the East Line and Red River Railway Company to the Missouri, Kansas and Texas Railway Company, above quoted from, contains the following clause:

"The object and intent of this contract, conveyance and agreement being to so merge the rights, powers and privileges of the party of the first part into the party of the first part under its own charter, corporate name and organization that it shall, without impairing any existing right, exercise in addition thereto all powers, rights, privileges and franchises, and own and control all properties that the party of the first part now exercises, owns, or by its charter or the laws it has a right to exercise, own or control."

Speaking of this clause, the court said:

"Respondent had not power, under the terms of its charter, or any law in force in this State, to sell its road or any franchise conferred by its charter."

"The Missouri, Kansas and Texas Railway Company was as clearly without power to buy the road owned by respondent as was it to sell." Chief Justice Stayton, *E. L. and R. R. Co. vs. the State*, 75 Tex., page 446.

This is a case of private sale, and the only thing reserved to the East Line and Red River Railway Company was its right to exist as a corporation, without power to exercise control over or management of the property which had been transferred by the contract above quoted from.

Continuing, Chief Justice Stayton says:

"The court below found, on evidence that justified it, that respondent and the corporation to whom it sold were competing lines." 75 Tex., page 448.

They crossed each other at Greenville, Texas, one running southeasterly to Mineola and the other easterly to Jefferson, one connecting at the former and the other at the latter place with the Texas and Pacific. At the terminus of the former at Mineola, distance to Winnsboro, a point reached by the latter, was about twenty miles.

The San Antonio and Gulf and the Galveston, Harrisburg and San Antonio both reach San Antonio. The San Antonio and Gulf runs southeasterly to Stockdale, and under the terms of the bill, after consolidation the Galveston, Harrisburg and San Antonio is given the right to construct said line on to Cuero, where it will connect with the San Antonio and Aransas Pass. The Galveston, Harrisburg and San Antonio runs in an easterly direction from San Antonio, connecting with the San An-

tonio and Aransas Pass at Luling, and further east at Flatonia. The present terminus of the San Antonio and Gulf is about twenty-five miles distant from Seguin, a point on the Galveston, Harrisburg and San Antonio immediately north of Stockdale, and if extended from Stockdale to Cuero, the connection formed at Cuero and at Flatonia and Seguin would be about thirty to forty miles distant.

The question as to what constitutes a parallel line is one over which lawyers might disagree, but the district court in the East Line case found that "the Missouri, Kansas and Texas from Denison to Mineola runs in a southeast direction, but not parallel with the East Line and Red River road and not in the same general direction."

As to the question of public policy: The Railroad Commission of Texas, before I became a member of it, issued the following order:

"It is ordered by the Railroad Commission of Texas that the Galveston, Harrisburg and San Antonio Railway, the Gulf, West Texas and Pacific Railway, the New York, Texas and Mexican Railway, the Galveston, Houston and Northern Railroad, the Houston, East and West Texas Railway, the Texas and New Orleans Railroad and the Houston and Texas Central Railroad shall be regarded as 'two or more lines of railroad under the same management and control' in the application of all rates adopted or approved by this Commission."

The constitutional provisions which I have quoted above evidently were for the purpose of securing to the people competition in rates and service between railways in this State, and I have never given my approval to the principle seemingly enunciated by the foregoing order. On the other hand, the Railroad Commission is given power to force legal competition by the following provision from Article 4562 of the Revised Civil Statutes, being a part of the Railroad Commission act:

"Sec. 4. The said commission may fix different rates for different railroads and for different lines under the same management, or for different parts of the same lines, if found necessary to do justice, and may make rates for express companies different from the rates fixed for railroads."

Under the general heading of "Offenses Against Public Policy," page 76, Penal Code of 1895, are the following provisions:

"Art. 419. It shall be unlawful for any railroad corporation, or other corporation, or the lessees, purchasers or managers of any railroad corporation, to consolidate the stocks, property,

works or franchises of such corporation with, or lease or purchase the stocks, property, works or franchises of any other railroad corporation owning or having under its control or management a competing or parallel line; nor shall any officer, agent, manager, lessee or purchaser of such railroad corporation act or become an officer, agent, manager, lessee or purchaser of any other corporation in leasing or purchasing any parallel or competing line.

"Art. 420. Any officer, director, manager, superintendent, agent, purchaser or lessee of any such railroad corporation or other corporation who shall violate or aid in violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one thousand dollars nor more than four thousand dollars; provided, that no person shall be liable to punishment under this act who has not by virtue of his office, agency or position a voice in the management of the railway company, or who has not, by virtue of his office, agency or position, some power to prevent a violation of this act.

"Art. 421. Railroad corporation or other corporation, as used in this act, is declared to mean any corporation, company, person or association of persons who own or control, manage or operate any line of railroad in this State."

I have now furnished you with the facts of record in this office and from papers on file in this office and quoted from the Constitution, statutes and extracts and decisions of our Supreme Court, giving to you such information as is obtainable, from which I myself might form an opinion. These facts collected together in convenient form for your consideration will aid you in reaching a conclusion as to the constitutionality or the public policy of Senate bill No. 218, which you inquire about.

Any opinion which I or the other members of this Commission might entertain as a result of the information in its possession, or independent of it, as to the constitutionality or public policy of such bills might as well remain unexpressed. The Commission is a legislative agency with no judicial power that can not be exercised by the Legislature itself, or by one of its committees. The Commission's orders can not be enforced except by an appeal to the judicial arm of the government in due course. It is made our duty to enforce all the laws of this State relating to railroads, and to this extent we may have executive authority. But the Commissioners are

often divided as to the meaning of the law, as might be the case in this instance. However, if an act of the Legislature should be deemed unconstitutional, this Commission in the exercise of its discretionary powers, could take steps to secure a trial of such an issue in the courts, as it has already done in one case.

"Public policy" usually is formed or determined by the Governor and the Legislature, subject, of course, to the approval or disapproval of the people. It is made the duty of the Governor to suggest and advise legislation. And the Legislature is given the power to make laws, subject, of course, to the limitations placed upon it by the Constitution. As a final check upon legislation that might be in conflict with "sound public policy," the corrective veto power is lodged in the Governor.

In view of all that has been quoted and said in the foregoing, I am quite sure that you will not deem the expression of my personal opinion necessary.

Any time I can furnish you any information that may be desired I shall regard it a pleasure to comply with your request asking for it.

Very respectfully,

O. B. COLQUITT,
Commissioner.

Railroad Commission of Texas.
Austin, Texas, March 21, 1905.

Hon. Arch Grinnan, Hon. A. S. Hawkins and others, Senate Chamber.

Dear Sirs: We are in receipt of your letter of March 16th, asking for information relative to Senate bill No. 218, authorizing the consolidation of certain lines of railroad and known as the Southern Pacific consolidation bill.

I desire to preface what I have to say upon this subject by referring to the passage of Senate bill No. 144, in 1899, authorizing the Texas and New Orleans Railroad Company to purchase the Texas Trunk Railroad and the Sabine and East Texas Railway and requiring the Texas and New Orleans Railroad Company to build 160 miles of road so as to connect those two lines. On the 12th day of May, 1899, a majority of the Commission, of which I was one, in reply to a letter from Governor Sayers stated, in substance, that we saw no constitutional objection to the bill. Afterwards that purchase was consummated and the 160 miles of road built as required by the bill, giving the Texas and New Orleans Railroad Company a through line from Sabine Pass, by Beaumont, Nacogdoches and Athens to Dallas.

Afterwards, in 1904, it was charged that the Southern Pacific Company, a Kentucky corporation, owned the stock

of the Houston, East and West Texas Railway Company, in violation of the Constitution of Texas; and upon investigation at a public hearing before the Commission it found that the Southern Pacific Company did own the controlling interest; in fact, nearly all of the stock of the Texas and New Orleans Railroad and of the Houston, East and West Texas Railway Companies; that they crossed each other at Nacogdoches, and both entered Houston, forming competing lines. The Commission therefore held that this ownership of the stock of both of these competing lines by another corporation (the Southern Pacific Company), was in violation of Section 5 of Article 10 of the Constitution, and the Commission made an official request of the Attorney General to bring the necessary suit to break up what it believed to be an unlawful control of these competing lines by a third corporation.

Soon after this a similar charge was made that the Southern Pacific Company was also the owner of the stock of the Texas and New Orleans and of the Houston and Texas Central Railroad Companies, and that as these roads both entered Houston and Dallas they were competing lines. That case has been heard and briefs filed by the attorney of the railroad companies, but no brief has been filed by the Attorney General, and the case is therefore still pending. We are also informed that there is a bill pending before the Legislature authorizing the Texas and New Orleans Railroad Company to sell the Dallas branch of its road with a view of removing the difficulty complained of.

We find upon examination of the bill and the records of our office as hereinafter shown, that so far as the ownership of stock of the various roads by the Southern Pacific Company is concerned, the conditions between this and the Texas and New Orleans situation is substantially the same. But as the Texas and New Orleans case is still pending before us awaiting the filing of the Attorney General's brief upon the questions of law, we deem it improper for us, while that case is pending, to express our opinion upon the questions involved in both of these cases, and while we are awaiting the brief of the Attorney General as to the proper construction of the Constitution and Laws of the State upon the questions involved, we beg to state:

1. The records of the Railroad Commission of Texas show that in the case of the Galveston, Harrisburg and San Antonio Railway Company, out of a total of 270,844 shares of capital

stock outstanding, the Southern Pacific Company, a Kentucky corporation, holds 270,529 shares.

In the case of the New York, Texas and Mexican Railway Company, out of a total of 8018 shares of capital stock, the said Southern Pacific Company holds 6090 shares at least.

In the case of the Gulf, Western Texas and Pacific Railway Company, out of a total of 5000 shares of capital stock outstanding, 4965 shares are held by Morgan's Louisiana and Texas Railroad and Steamship company. Concerning the last named we have reliable information that it is owned almost wholly by the said Southern Pacific Company.

In the case of the Galveston, Houston and Northern Railway Company, out of a total of 2000 shares of capital stock outstanding, 1980 stand in the name of E. F. Hyde of New York.

In the case of another Texas road (viz: The Houston, East and West Texas) this Commission found that the Southern Pacific Company collected the dividend on stock held in that company by E. F. Hyde, and it has also been ascertained that the said Southern Pacific Company pays taxes in Kentucky on the greater part of the capital stock of the Galveston, Houston and Northern Railway Company.

In the case of the San Antonio and Gulf Railroad, this Commission is without evidences, further than common and general report, that the Southern Pacific Company also controls this property. Out of its 320 shares of capital stock outstanding, one Geo. M. Thornton of New York, is the stockholder of record of 311 shares.

2. Summing up for final answer to your questions, we respectfully state that it is our opinion that the Southern Pacific Company owns or controls the controlling interest in the stock of each of the roads which are proposed to be consolidated into one.

3. With this information you will be able to determine the constitutionality of the bill and the proper policy to be adopted. Very respectfully,

L. J. STOREY,

Chairman.

Railroad Commission of Texas.

Austin, Texas, March 21, 1905.

Hons. Arch. Grinnan, A. S. Hawkins, Chas. L. Brachfield, A. J. Harper, C. M. Chambers, J. L. Harbison, Emory C. Smith, J. M. Terrell, G. W. Glasscock, B. F. Looney, Senate.

Gentlemen: Replying to your letter of the 16th instant, concerning Senate bill No. 218, I beg to hand you herewith copy of letter written to Hons.

C. F. Greenwood, E. A. Rice and H. A. O'Neal, members of the House of Representatives, giving my views on the Southern Pacific merger bill, and which is self explanatory. Very respectfully,

ALLISON MAYFIELD,
Commissioner.

Railroad Commission of Texas,
Austin, Texas, March 4, 1905.

Honorable C. E. Greenwood, E. A. Rice and H. A. O'Neil, House of Representatives.

Gentlemen: In response to your inquiries of the 2nd instant you are respectfully advised as follows:

1. It is my opinion that the bill which you submit is in violation of Section 5, Article X, of the Constitution of Texas, in this: That it seeks to consolidate certain lines of railroad which are or should be competitive, two of which have common termini at Victoria, and two of which junction point at Rosenberg, and two of which have junction point at San Antonio.

2. It is my opinion that if said bill should pass and the Galveston, Harrisburg and San Antonio Railway Company should build from Stockdale to Cuero, it would own in disregard of Section 5, Article X, of the Constitution of Texas, two lines of railroad between San Antonio and Rosenberg, both parallel and competitive, except that all chance of competition would be extinguished by said ownership.

3. The records of the Railroad Commission of Texas show that in the case of the Galveston, Harrisburg and San Antonio Railway Company, out of a total of 270,844 shares of capital stock outstanding, the Southern Pacific Company, a Kentucky corporation, holds 270,529 shares.

In the case of the New York, Texas and Mexican Railway Company, out of a total of 8018 shares of capital stock, the said Southern Pacific Company holds 6090 shares, at least.

In the case of the Gulf, Western Texas and Pacific Railway Company, out of a total of 5000 shares of capital stock outstanding, 4965 shares are held by Morgan's Louisiana and Texas Railroad and Steamship Company. Concerning the last named we have reliable information that it is owned almost wholly by the said Southern Pacific Company.

In the case of the Galveston, Houston and Northern Railway Company, out of a total of 2000 shares of capital stock outstanding, 1980 stand in the name of E. F. Hyde of New York.

In the case of another Texas road, (viz, the Houston, East and West Texas), this commission found that the Southern Pacific Company collected the dividend on stock held in that company

by E. F. Hyde, and it has also been ascertained that the said Southern Pacific Company pays taxes in Kentucky on the greater part of the capital stock of the Galveston, Houston and Northern Railway Company.

In the case of the San Antonio and Gulf Railroad, this commission is without evidence, further than common and general report, that the Southern Pacific Company also controls this property. Out of 320 shares of its capital stock outstanding, one George M. Thornton of New York, is the stockholder of record of 311 shares.

Summing up for final answer to your third question, I respectfully state that it is my opinion that the Southern Pacific Company owns or controls the controlling interest in the stock of each of the roads which are proposed to be consolidated into one, and that such ownership and control as it exists at present, is contrary to the spirit, if not the letter of Section 5, of Article X, of the Constitution of Texas.

4. In my judgment the bill which you submit, "known as the Southern Pacific merger bill," is opposed to a wise policy, and I also believe that its passage would place one more obstacle in the way of dealing with the disregard of Section 5, Article X, of the Constitution of Texas, now existing, and which I have alluded to in my third answer.

Yours very truly,

ALLISON MAYFIELD,
Commissioner.

The Chair laid before the Senate, on second reading,

House bill No. 276, a bill to be entitled "An Act to authorize the Galveston, Harrisburg and San Antonio Railway Company to purchase, own and operate the railroads of the New York, Texas and Mexican Railway Company with the franchises and other property thereunto appertaining; the railroads of the Gulf, Western Texas and Pacific Railway Company, with the franchises and other property thereunto appertaining; the railroads of the Gonzales Branch Railroad, with the franchises and other property thereunto appertaining; the railroads of the Galveston, Houston and Northern Railway Company, with the franchises and other property thereunto appertaining; and the railroad of the San Antonio and Gulf Railroad, with the franchises and other property thereunto appertaining; or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its or their franchises and appurtenances, to sell the same; to authorize the Galveston, Harrisburg and San Antonio Railway Company to

construct, own, operate and maintain or to amend its charter so as to authorize it to construct, own, operate and maintain a railroad from a connection with the present terminus of the San Antonio and Gulf Railroad at or near Stockdale to the town of Cuero in De Witt county; and to authorize the Galveston, Harrisburg and San Antonio Railway to issue additional mortgage bonds to the amount of the value of the railroads, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act as or the same may be fixed by the Railroad Commission of Texas; and to regulate the reports of the operations of such properties."

Senator Davidson offered the following amendment, which was adopted.

Amend the bill by adding after Section 2, Section 2a, as follows:

Section 2a. The Galveston, Harrisburg and San Antonio Railway Company obligates itself and its successors that if it shall acquire, under the provisions of this act, the various railway properties in this act mentioned, that it shall thereafter maintain for a term of twelve years, at the city of Victoria, Texas, a division headquarters. That the said Galveston, Harrisburg and San Antonio Railway Company further obligates itself, and its successors, that if it shall acquire the various railway properties in this act mentioned, that within one year after the acquisition of said railway property it will erect, provide and complete in Cuero, De Witt county, Texas, a passenger depot according to the plans and specifications and in all things similar to the railway depot situated on the Louisiana Western Railway at Lake Charles, La., or a depot according to the plans and specifications and in every way similar to the railway passenger depot now owned by the Houston and Central Texas Railway Company at Waxahachie, Texas, with only such changes as may be required to meet local conditions. One of the two said depot plans to be selected by A. B. Davidson, D. W. Nash and A. S. Crisp, or any two of them; and the said railway company is to be governed by such selection. The said depot shall be, as herein above stipulated, erected at or within five hundred feet of the eastern end of what is known as the "Y," which connects the Gulf, Western Texas and Pacific Railway with the San Antonio and Aransas Pass Railway Company track. And shall erect at the station of Port Lavaca within one year a suitable and commodious passenger depot sufficient

to adequately accommodate the public at said place, special reference being had in the construction of such depot to the demands of an excursion trade.

Senator Davidson offered the following amendment, which was adopted.

Amend by adding after the word "county," in line 10, page 8, the following:

"Without the use of any bridge or trackage of any other railroad company as a part of said connection from said town of Stockdale to said town of Cuero, and at Cuero, Texas, a connection shall be made at or within twelve hundred feet of the point where said Galveston, West Texas and Pacific Railway Company's tracks now intersect with the tracks of the San Antonio and Aransas Pass Railway Company."

Senator Harper offered the following amendment:

Amend the bill by striking out the following on page 2: Beginning with the word "the," in line 13, page 2, and strike out the following: "the railroads of the New York, Texas and Mexican Railway Company, extending from Rosenberg, in Fort Bend county, to Victoria, in Victoria county, with branches extending from Wharton, in Wharton county, to Hawkinsville, in Matagorda county, and from Van Vleck, in Wharton county, to Trespalacios, in Matagorda county, with the franchises and other property thereunto appertaining; the railroads of the Gulf, Western Texas and Pacific Railway Company, extending from Victoria, in Victoria county, to Beeville, in Bee county, and from Cuero, in De Witt county, to or near Lavaca, in Calhoun county, with the franchises and other property thereunto appertaining;" and strike out the words "the New York, Texas and Mexican Railway Company" wherever they occur in the bill and in the caption.

RECESS.

Senator Barrett moved that the Senate take a recess till 3 o'clock, and the motion was adopted by the following vote:

Yeas—16.

Barrett.	Looney.
Brachfield.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Stone.
Hawkins.	Terrell.

Nays—14.

Beaty.	Hicks.
Chambers.	Hill.
Davidson.	Holland.
Faust.	Meachum.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Willacy.

Absent.

Harbison.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

HOUSE BILL NO. 276—PENDING BUSINESS.

Action recurred on the pending bill, House bill No. 276.

The question being on Senator Harper's amendment,

Senator Holland moved to table the amendment, which motion was adopted by the following vote:

Yeas—16.

Barrett.	Hill.
Beaty.	Holland.
Davidson.	Meachum.
Faust.	Paulus.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.

Nays—12.

Brachfield.	Looney.
Chambers.	Martin.
Glasscock.	McKamy.
Grinnan.	Skinner.
Harper.	Smith.
Hawkins.	Terrell.

Absent.

Decker.	Harbison.
Faulk.	

Senator Harper offered the following amendment:

Amend the bill in line 22, page 6, by adding after the word "thereto" the following: "Provided, that nothing in this act shall prevent the Railway Commission of Texas from any action it deems advisable in the event they deem the provisions of this act violative of the Constitution or laws of this State."

Senator Davidson moved to table

the amendment, which was adopted by the following vote.

Yeas—16.

Barrett.	Hill.
Beaty.	Holland.
Davidson.	McKamy.
Faust.	Meachum.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.

Nays—12.

Brachfield.	Hawkins.
Chambers.	Looney.
Faulk.	Martin.
Glasscock.	Paulus.
Grinnan.	Skinner.
Harper.	Smith.

Absent.

Decker.	Terrell.
Harbison.	

Senator Looney offered the following amendment:

Amend the bill by adding to Section 5, page 5, line 6, the following:

"Provided further, that in addition to the other conditions and requirements of this act, the said Galveston, Harrisburg and San Antonio Railway Company shall obey and abide by all freight and passenger rates which may be made by the Railroad Commission of Texas, until such rate is set aside, superseded or annulled either by said commission or by some court of competent jurisdiction; and in case of a violation of this provision said company shall forfeit its charter rights as well as all rights acquired hereunder; and it shall be the duty of the Attorney General to institute quo warranto proceedings in Travis county, or such proceedings may be instituted by any district or county attorney of this State, in any county in which such company may be sued under the venue statutes of this State, to have such forfeiture judicially declared and the affairs of said corporation wound up."

(President Pro Tem. Hanger in the chair.)

Senator Davidson moved the previous question on the amendment and the bill, the motion being duly seconded, it was adopted.

The amendment was lost by the following vote:

Yeas—7.

Brachfield.	Hawkins.
Glasscock.	Looney.
Grinnan.	Skinner.
Harper.	

Nays—22.

Barrett.	Holland.
Beaty.	Martin.
Chambers.	McKamy.
Davidson.	Meachum.
Decker.	Paulus.
Faust.	Smith.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Faulk.	Harbison.
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The bill was read second time and passed to a third reading by the following vote:

Yeas—19.

Barrett.	Holland.
Beaty.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Willacy.
Hill.	

Nays—10.

Brachfield.	Hawkins.
Chambers.	Looney.
Glasscock.	Skinner.
Grinnan.	Smith.
Harper.	Terrell.

Absent.

Faulk.	Harbison.
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Senator Hicks moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

Senator Holland moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—20.

Barrett.	Holland.
Beaty.	Martin.
Davidson.	McKamy.
Decker.	Meachum.
Faust.	Paulus.
Griggs.	Skinner.
Hale.	Stafford.
Hanger.	Stokes.
Hicks.	Stone.
Hill.	Willacy.

Nays—8.

Brachfield.	Hawkins.
Chambers.	Looney.
Glasscock.	Smith.
Harper.	Terrell.

Absent.

Faulk.	Harbison.
Grinnan.	

HOUSE BILL NO. 571—PASSAGE OF.

On motion of Senator Hill the pending order of business, House bill No. 46, was suspended, and the Senate took up, out of its order, House bill No. 571

On motion of Senator Hill the committee report was adopted.

On motion of Senator Hill the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

Yeas—28.

Barrett.	Hill.
Beaty.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Decker.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Present—Not Voting.

Brachfield.

Absent.

Decker.	Harbison.
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The Chair laid before the Senate on second reading

House bill No. 571, a bill to be entitled "An Act to create the county of Terrell out of the territory of Pecos county and to provide for its organization."

Bill read second time and passed to a third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Chambers.
Beaty.	Davidson.

Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Griggs.	Paulus.
Grinnan.	Skinner.
Hale.	Stafford.
Hanger.	Stone.
Hicks.	Terrell.
Hill.	Willacy.
Holland.	

Nays—2.

Hawkins.	Smith.
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Present—Not Voting.

Brachfield.

Absent.

Harbison.	Stokes.
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Harper.

The bill was read third time and passed.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 532.

On motion of Senator Stone, the pending order of business (House bill No. 46), was suspended, and the Senate took up, out of its order, House bill No. 532.

The Chair laid before the Senate, on third reading,

House bill No. 532, a bill to be entitled "An Act to amend Chapter 134 of the General Laws of the Twenty-fourth Legislature, as amended by the Twenty-sixth Legislature, entitled 'An Act to create a more efficient road system for Hill, Grimes, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex-officio road duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act, by extending the provisions of this act to Falls county, and providing for

the fees of county judges where convicts are worked upon the public roads, and providing further for the fees to be paid to the county clerk and to the justices of the peace of Falls county under this act."

The bill was read third time and passed.

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 133, a bill to be entitled "An Act to fix the time within which the power of sale conferred in mortgages and deeds of trust may be exercised, and after which express vendors' liens shall be presumed to be released and satisfied."

House bill No. 180, a bill to be entitled "An Act to repeal that part of Article 5049, Revised Civil Statutes of the State of Texas, as amended by Chapter 18, Acts of the first called session of the Twenty-fifth Legislature, that levies an occupation tax on every person, firm or association of persons engaged in buying or selling State, county or city warrants, or other claims against the State."

House bill No. 592, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Midlothian, in the county of Ellis and State of Texas, and other lands and territory adjacent thereto to incorporate as an independent school district for free school purposes only, to be known as the Midlothian independent school district, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

House bill No. 357, a bill to be entitled "An Act to amend Article 676, of the Revised Statutes of the State of Texas, 1895, relating to the execution of deeds by corporations."

House bill No. 15, a bill to be entitled "An Act to regulate elections and to provide penalties for its violation."

House bill No. 477, a bill to be entitled "An Act to amend Article 228 of the Penal Code of the State of Texas, so as to make it unlawful for

any person to aid in the escape of a prisoner who has been convicted of a felony."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

FREE CONFERENCE COMMITTEE REPORT—ADOPTION OF.

Austin, Texas, March 30, 1905.
Hon. Geo. D. Neal, President of the Senate, and
Hon. F. W. Seabury, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to consider House bill No. 251, beg leave to report that we have had the same under consideration, and recommend that the Senate recede from its amendment as to Coryell county. Also that the county of Harrison be exempt from the provisions of Section 2 of this act, except that portion of Harrison county lying north of the Texas and Pacific railway from the State line to Marshall, and that portion of said county east of the Texas and Pacific railway from Marshall to the Marion county line.

BRACHFIELD,
TERRELL,
MARTIN,

On the Part of the Senate;
W. M. BLALOCK,
KENNEDY,
MEARS,
LOW,
GLENN.

On the Part of the House.

The motion of Senator Brachfield the report was adopted by the following vote:

Yeas—26.

Barrett.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	Martin.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hale.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Willacy.

Absent.

Beaty.	Harbison.
Decker.	Terrell.
Griggs.	

SIMPLE RESOLUTION.

By Senator Hicks:

Resolved, That when the Senate adjourns today that it adjourn until to-morrow, Saturday, morning at 10 o'clock for the purpose

First—To consider House bills on third reading and then House bills on second reading.

Second—Senate bills on third reading, then Senate bills on second reading.

HICKS,
STONE,
McKAMY,
SKINNER.

The resolution was lost by the following vote:

Yeas—13.

Barrett.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Hanger.	Stafford.
Harper.	Stokes.
Hicks.	Stone.
Looney.	

Nays—13.

Brachfield.	Holland.
Chambers.	Martin.
Decker.	Meachum.
Grinnan.	Smith.
Hale.	Terrell.
Hawkins.	Willacy.
Hill.	

Absent.

Beaty.	Griggs.
Davidson.	Harbison.
Glasscock.	

SENATE BILL NO. 43—REFUSED TO CONCUR IN HOUSE AMENDMENTS.

Senator Hawkins called up

Senate bill No. 43, a bill to be entitled "An Act relating to State and county finances, providing for a system of State and county depositories for State and county funds, and to repeal all laws and parts of laws in conflict herewith."

And moved that the Senate do not concur in the House amendments.

Committee Amendments.

Amend the bill by striking out all of lines 6, 7 and 8, page 1, and by inserting in lieu thereof the following:

"An Act providing for the deposit of the public moneys of this State in State depositories, and for the selection and designation of such depositories, and providing penalties for the violation of the provisions of this act." And by striking out all after the en-

acting clause and by inserting in lieu thereof the following:

Section 1. All moneys now belonging to, or that may at any time hereafter belong to this State that are now in the State Treasury, or that hereafter may be required by law to be paid into the State Treasury, for any purpose whatever, shall immediately upon receipt thereof, be deposited by the Treasurer to the credit of the State, for the benefit of the fund to which such moneys respectively belong, in such bank, banks or banking institutions in this State as may be selected in accordance with the provisions of this act, from time to time, as State depositories, subject to the conditions and regulations hereinafter provided.

Sec. 2. As soon as this act takes effect, and immediately upon the qualification of each State Treasurer elected at a general election thereafter, it shall be the duty of the State Treasurer to cause to be printed a circular letter soliciting bids for keeping the public funds of the State during his term of office, and until a new depository shall be selected, in the manner provided for in this act, in lieu of the successful bidder. For the purpose of such bidding all the moneys in the State Treasury shall be divided into not less than twenty equal parts, and bids may be received for keeping one or more of such parts. Said circular letter shall state the conditions to be complied with by the bidders, as hereinafter provided, and what each bid shall set forth, and shall require such bids to be forwarded to the State Treasurer on a day therein named, which shall not be less than thirty days after the date of such circular letter, and shall require that each bid shall be accompanied by a certified check for the sum of one thousand dollars, payable to the order of the State Treasurer, which shall become forfeited to the State in case said bid shall be accepted and the bidder shall fail to comply with the necessary requirements, as provided by this act, for the qualification of depositories; otherwise such check shall be returned to the bidder. The Treasurer shall mail a copy of such circular letter to each of the banks or banking institutions in the State, and shall immediately deposit with the Governor and Attorney General a copy of such circular letter, and attach thereto a list of those to whom it has been mailed, as above provided, such copy and list so filed, to be certified by the State Treasurer under his oath of office. The State Treasurer shall also keep a copy of such letter, and a list of those to whom

it has been sent, on file in his office for the inspection of any person desiring to examine the same.

Sec. 3. The interest or bonus to be paid by any bank under the provisions of this act shall be on the average daily balances of the public moneys kept on deposit therewith, and shall be paid and credited to the State monthly, on the first day of each and every month, and it is hereby made the duty of the State Treasurer to use all reasonable and proper means to secure to the State the best terms and the highest rate of interest consistent with the safe keeping and prompt payment, when demanded, of the funds of the State.

Sec. 4. Bids sent to the State Treasurer shall be sealed up in a strong envelope and marked "Bid for the safe keeping and payment of the deposits of the State funds," and the State Treasurer shall indorse thereon the time of the receipt of such bid. Such bid shall state the interest such bank will pay on the average daily balances to the credit of the State Treasury in such bank. Said bids shall be directed to the State Treasurer, and by him opened on the day named in the circular letter, as hereinbefore provided for, in the presence of the Governor and Attorney General, and thereupon the Treasurer shall select and designate, with the approval of the Governor and Attorney General, one or more of such banks or banking institutions as the depository or depositories of the State; provided, that no bank or banking institution shall be designated or selected as the depository for more than five-twentieths of the fund of the State; and so long as said banks and banking institutions shall remain the depositories of the State, all moneys belonging to the State, or held in trust by it, shall be deposited therein; provided, however, that no money shall be deposited in such depository until the security stipulated by the Treasurer and approved by the Governor and Attorney General shall have been given. The Treasurer may, with the approval of the Governor and Attorney General, reject any or all bids, and shall then immediately invite new bids in the manner hereinbefore provided, and in all cases the banks offering the highest bonus shall be selected, if any. No award of State money shall be made upon any bid therefor greater than the paid up capital stock of the bank making such bid.

Sec. 5. The Treasurer may pay off any warrant lawfully drawn upon him and presented for payment by his check drawn upon any such State de-

pository for the amount thereof, and the owner or holder of any such warrant shall be entitled to receive in payment thereof the Treasurer's check upon any depository he shall name in which there shall be a sufficient amount of the State's funds belonging to the fund on which such warrant may be drawn, to pay same. The Treasurer shall so distribute his daily deposits among such depositories, with reference to daily disbursements, as to keep constantly on deposit in each such depository the proportion of the State funds awarded to it upon bids as hereinbefore provided. All deposits shall be transmitted from the State Treasury to such depositories at their expense, if there shall be any expense attached to such transmission.

Sec. 6. For the security of funds deposited by the Treasurer under the provisions of this act, the Governor, Attorney General and Treasurer shall require of said banks or banking institutions selected and designated as State depositories, a bond payable to the Governor of the State and his successors, equal to at least 25 per cent of the amount of the public funds to be deposited therein, with good and sufficient securities, to be by them approved, and in addition thereto a deposit of United States bonds, or bonds of the State of Texas, or in their discretion, the bonds, if worth not less than par, of any incorporated city or town of this State, or of any county of this State, or of any independent school district of this State; such deposit made by each depository to be at all times at least equal in value to the amount of public funds held by such depository. The bonds above mentioned shall be delivered to the State Treasurer and receipted for by him, and retained by him in the vaults of the State Treasury of this State, or in the vaults of such banks or safe depository other than a State depository, as the Governor, Attorney General and Treasurer may agree upon; and if, in any case, or at any time, such bonds are not satisfactory security to the Governor and Attorney General and Treasurer, for the deposits made under this act, they may require such additional security to be given as will be satisfactory to them; which said bonds or any part thereof, may from time to time be withdrawn on the written consent of the Governor, Attorney General and Treasurer; and the Governor, Attorney General and Treasurer shall, from time to time, inspect such bonds and see that the same are actually kept in the vaults of the State Treasury, or in the vaults of such bank or banks other than the bank or banks se-

lected as the State depositories, as the Governor, Attorney General and Treasurer may have duly agreed upon; provided, that a sufficient amount of the said bonds to secure such deposits shall always be kept in the Treasury or in such selected depository; and in the event that said bank or banks or banking institutions selected as State depositories shall fail to pay such deposits, or any part thereof, on the check or checks of the State Treasurer, he shall have power to forthwith convert such bonds into money, and disburse the same according to law, upon the warrants drawn by the State Comptroller upon the funds for which said bonds are security. Any bank making deposit of bonds with the State Treasurer under the provisions of this act may cause such bonds to be indorsed or stamped, as they may deem proper, so as to show that they are deposited as collateral, and are not transferable, except upon the conditions of this act.

Sec. 7. The Treasurer shall take from such depository or depositories a written contract, in duplicate, setting forth the conditions and terms upon which the funds of the State are deposited therewith, one of which he shall file with the Comptroller, one provision of which contract shall be that each depository shall, at the end of each month, render to the Treasurer a statement, in duplicate, showing the daily balances or amount of money of the State held by it during the month, and the amount of the accrued interest thereon, separately, one of which the Treasurer shall file as soon as received with the State Comptroller.

Sec. 8. The Treasurer shall keep separate accounts of the funds of the State, and may require any depository to do the same, showing the name of each fund to which the money belongs, and the amount of the interest paid by the bank, and said interest shall be apportioned and credited to such funds monthly.

Sec. 9. The Treasurer shall keep a separate account of the funds and the number and amount of warrants received and from whom, and shall publish, in such manner as the Governor may designate, quarterly statements showing the amount of State moneys, and where the same are kept and deposited. A copy of each such publication shall, as soon as made, be filed in the offices of the Governor, Comptroller and Attorney General, respectively.

Sec. 10. Each Treasurer hereafter elected shall, as soon as he enters upon the discharge of the duties of his office, issue a circular letter, as prescribed; and the same duties that by this act devolve upon the present

Treasurer, Governor or Attorney General, in relation to selecting a bank or banks of deposit, shall devolve upon their successors.

Sec. 11. The Treasurer, with the approval of the Governor and Attorney General, shall require the State depositories to give additional personal bonds, from time to time, as occasion may require, and within such time as they may allow, to secure the State against loss by any depreciation in value that may occur in such bonds held by him as security for the safe keeping and prompt payment of the State moneys held in such depositories, and upon failure to comply with such request the Treasurer shall withdraw from such defaulting depository all State funds held by it and the same may be again awarded to depositories complying with the provisions of this act; provided, however, that at no time shall the amount of bonds and securities held by the State Treasurer of such elected depository as security for the deposit of State funds be less in value than the sum of such deposits.

Sec. 12. The making profit by the State Treasurer out of any moneys in the State Treasury belonging to the State, the custody of which the State Treasurer shall be charged with, by loaning, depositing or otherwise using or disposing of the same in any manner whatever, or the removal by the State Treasurer, or by his consent, or such moneys, or any part thereof, or any bonds deposited by any bank, under the provisions of this act, out of the vaults of the Treasury Department in the State Capitol, except for the payment of warrants legally drawn or for the purpose of depositing the same in the bank or banks selected as depositories under the provisions of this act, or for returning or disposing of such bonds according to law, shall be deemed a felony, and on conviction thereof subject him to punishment by imprisonment in the penitentiary for a term of not less than two years, and he shall also be liable under and upon his official bond for all profits realized from any such unlawful using of said funds; and it shall be the duty of the Attorney General to enter and prosecute to final determination all suits for a violation of any provisions of this act.

Sec. 13. Any State depository receiving State funds under the provision of this act shall pay to the State Treasurer at the end of each month interest on the average daily balance for said month at the rate of interest agreed upon, which shall in no event be less than at the rate of two per cent annum.

Sec. 14. All tax collectors in the

State of Texas and all officers charged with the duty of remitting to the State Treasurer State funds shall, after the passage of this act, instead of remitting State funds to the State Treasurer as is now required by law, cause the same to be remitted to or deposited with the nearest State depository, and shall require of said depository a triplicate receipt therefor, one of which shall be preserved by the party so depositing said State funds and the others shall be forwarded direct to the Treasurer of the State of Texas and Comptroller, respectively, whose duty it shall be also to keep with each State depository in Texas an accurate account showing a true and correct statement of the account of said depository with the State of Texas and the balance on hand in each at the close of each day's business.

Sec. 15. If any State depository shall receive or have on hand State funds at any time in excess of the amount of its bonds deposited as collateral security therefor said State depository shall remit forthwith on the first of the next month said excess to the Treasurer of the State of Texas, or to any other depository upon his demand, and in case any State depository shall fail or refuse to remit this excess after a demand made therefor by the State Treasurer it shall forfeit its right to act as a State depository and the State Treasurer shall at once close his account with said depository, notify all tax collectors and others charged with the duty of collecting public funds for the State of Texas, and the Attorney General of the State shall cause such action to be taken, if any, as may be necessary to protect the State's interest in the premises.

Sec. 16. The books and accounts of any bank or banking institution designated as a State depository shall at all times be open and subject to the inspection of the State Treasurer of Texas, the Attorney General, or any district or county attorney of the State of Texas.

Sec. 17. Any person whose duty it is to pay over to the State of Texas any money belonging thereto or to any funds of said State may remit or deposit the same in any State depository direct to the State Treasurer at Austin. In any event said money or any money due the State, or any of its funds may be sent by registered letter in due course of mail, by postoffice money order, express money order of any company authorized to do business in Texas, or by personal check, or bank draft on any incorporated State or national bank authorized to do business in Texas; but in such cases the liability of the person sending same

shall not cease until said money is actually received by the State Treasurer or State depository.

Sec. 18. The State Treasurer shall not be responsible for any moneys or bonds deposited in banks or banking institutions or safe deposit under the provisions of this act, while the same remain there deposited with the consent of the Governor and Attorney General; but the State Treasurer shall be chargeable with the safe keeping, management and disbursement of the bonds deposited with him as security for deposits of State money, and with the proceeds arising from any sale thereof under the provisions of this act, and his sureties on his official bond shall be held liable for any default in the faithful performance of any duty required by said Treasurer under or by virtue of any of the provisions of this act.

Sec. 19. If the State Treasurer shall willfully fail or refuse at any time to do or perform any act required of him by this act, he shall be deemed guilty of a misdemeanor and subject to indictment therefor, and upon conviction thereof shall be sentenced to pay a fine of five thousand dollars and be imprisoned in the county jail for the term of one year.

Sec. 20. The fact that there is now no law providing for the deposit of State funds, and the need of the additional State revenue which this law would afford creates an emergency within the meaning of the Constitution and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

The motion was adopted and a free conference committee was granted, as follows:

Senators Hawkins, Faust, Stone, Looney and Willacy.

HOUSE BILL NO. 37—PENDING BUSINESS.

On motion of Senator Hale the pending order of business (House bill No. 46) was suspended, and the Senate took up, out of its order, House bill No. 37.

SENATE BILL NO. 307—PASSAGE OF.

On motion of Senator Decker the pending order of business (House bill No. 37) was suspended, and the Senate took up, out of its order, Senate bill No. 307.

The Chair laid before the Senate on second reading

Senate bill No. 307, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Amarillo, in the county of Potter and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes, to be known as the 'Amarillo Independent School district,' with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

The committee report was adopted.

Bill read second time and ordered engrossed. On motion of Senator Decker the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Davidson.	Harbison.
Griggs.	Smith.

The bill was read third time, and passed by the following vote:

Yeas—28.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faust.	Meachum.
Faulk.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Davidson.	Harbison.
Griggs.	

Senator Decker moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 611—PASSAGE OF.

On motion of Senator Faulk the pending order of business (House bill No. 37) was suspended, and the Senate took up, out of its order, House bill No. 611. The Chair laid before the Senate on second reading

House bill No. 611, a bill to be entitled "An Act to amend Section 93 of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, as amended by an act passed by the Twenty-third Legislature, which became effective April 2, 1893, and to amend Sections 137, 138, 140, 141 and 142 of an act entitled "An Act to grant a new charter to the city of El Paso," approved March 2, 1889, and the acts amendatory thereof relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, which amended act became effective the 26th day of April, 1899, as enacted by the Twenty-sixth Legislature."

The committee report was adopted. Bill read second time and passed to a third reading. On motion of Senator Faulk the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hill.
Beaty.	Holland.
Brachfield.	Looney.
Chambers.	Martin.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Decker.	Harbison.
Griggs.	Smith.

The bill was read third time and passed by the following vote:

Yeas—28.

Barrett.	Brachfield.
Beaty.	Chambers.

Davidson.	Holland.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Meachum.
Grinnan.	Paulus.
Hale.	Skinner.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Absent.

Griggs.	Smith.
Harbison.	

Senator Faulk moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 310.

On motion of Senator Meachum, the pending order of business (House bill No. 37) was suspended, and the Senate took up, out of its order, Senate bill No. 310.

The Chair laid before the Senate, on second reading,

Senate bill No. 310, a bill to be entitled "An Act to amend Article 4730, of the Revised Civil Statutes of the State of Texas, declaring who shall be liable to road duty."

The committee report was adopted. Bill read second time and ordered engrossed. On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Barrett.	Holland.
Beaty.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Hicks.	Terrell.
Hill.	Willacy.

Nays—1.

Smith.

Present—Not Voting.

Davidson.

Absent.

Griggs.
Grinnan.
Harbison.

Harper.
Hawkins.

The bill was read third time, and passed by the following vote:

Yeas—26.

Barrett.
Beaty.
Brachfield.
Chambers.
Davidson.
Faulk.
Glasscock.
Grinnan.
Hale.
Hanger.
Harper.
Hicks.
Holland.

Looney.
Martin.
McKamy.
Meachum.
Paulus.
Skinner.
Smith.
Stafford.
Stokes.
Stone.
Terrell.
Willacy.

Absent.

Decker.
Faust.
Griggs.

Harbison.
Hawkins.

(Lieutenant Governor Neal in the chair.)

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Faulk:

Resolution to correct the record in reference to Senate bill No. 62.

Whereas, 'On several different and sundry days during the session of this Legislature, the following proceedings were had in reference to Senate bill No. 62:

First—Said bill passed the Senate.

Second—Said bill was afterward considered by the House of Representatives, amended and passed by it, as amended.

Third—The Senate, on motion, concurred in the House amendments.

Fourth—Said bill was enrolled and sent to the Governor, and on examination he found an error in the bill which was thought to be an error in the draft of the bill, but which was in fact an error in the enrollment.

Fifth—In pursuance to a concurrent resolution adopted by the Senate and the House, the Governor returned said bill to the Senate for correction.

Sixth—When said bill was returned a motion was made that the Senate do

not concur in the House amendments and asked for free conference committee, which was appointed by the Senate and the House.

Seventh—The report of said committee was adopted and said bill was again enrolled and sent to the Governor, who again discovered errors in it and returned the same to the Senate in pursuance to a concurrent resolution adopted by both Houses.

Eighth—On thorough investigation it developed that said bill was improperly enrolled both times, it failing to include the amendments added to it by the House.

Ninth—Said bill has been properly enrolled, signed and sent to the Governor.

And whereas, All proceedings had in the Senate in reference to said bill since the adoption of the House amendments were had under a misapprehension of the facts; therefore, be it

Resolved, by the Senate, That all proceedings as shown by the Journal inconsistent with the facts as herein stated, and all acts taken therein, as shown by the Journal, since the adoption of the House amendments, be held for naught, and that this resolution, together with the preamble and facts herein stated be adopted as stating the facts and in explanation of the proceedings of the Senate, as shown by the Journal and as a correction of the same.

The resolution was adopted.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions has been read, the following other bills:

House bill No. 590, to Committee on Educational Affairs.

House bill No. 588, to Committee on Mining and Irrigation.

House bill No. 332, to Judiciary Committee No. 1.

House bill No. 320, to Committee on Insurance, Statistics and History.

House bill No. 387, to Committee on Asylums.

House bill No. 133, to Judiciary Committee No. 1.

House bill No. 15, to Committee on Privileges and Election.

House bill No. 180, to Committee on Internal Improvements.

House bill No. 592, to Committee on Education.

House bill No. 357, to Judiciary Committee No. 1.

House bill No. 477, to Judiciary Committee No. 2.

(See House messages for captions.)

SENATE BILLS SIGNED.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.

Senate bill No. 300, a bill to be entitled "An Act to amend Chapter 3 of the General Laws of the State of Texas, passed at the first called session of the Twenty-seventh Legislature, approved September 2, 1901, amending Chapter 3, section 1, of an act to amend Section 1 of an act entitled 'An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1889; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other processes heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency," and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 232, a bill to be entitled "An Act to amend Section 10, Chapter 29, of the General Laws of the State of Texas, passed at the regular session of the Twenty-sixth Legislature, relating to the compensation of the county commissioners when acting as road commissioners, and with an emergency clause."

Senate bill No. 47, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Cane Belt Railroad Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to

the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

Senate bill No. 62, a bill to be entitled "An Act to amend Article 34, Penal Code of Texas, permitting persons under the age of nine years to be punished for the offense of perjury."

ADJOURNMENT.

Senator Stone moved that the Senate adjourn till tomorrow morning at 10 o'clock.

Senator Holland moved, as a substitute, that the Senate adjourn till Tuesday morning at 10 o'clock.

Senator Brachfield moved, as a substitute, that the Senate adjourn till Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn till Tuesday morning at 10 o'clock was adopted by the following vote:

Yeas—17.

Barrett.	Hanger.
Beaty.	Hill.
Brachfield.	Holland.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Stafford.
Grinnan.	Willacy.
Hale.	

Nays—12.

Chambers.	Meachum.
Davidson.	Skinner.
Faulk.	Smith.
Harper.	Stokes.
Hicks.	Stone.
Looney.	Terrell.

Absent.

Harbison.	Hawkins.
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COMMITTEE REPORTS.

(Bill in Full.)

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, March 30, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 211, "An Act to amend Chapter 2, Title XXI, of the Revised Statutes of the State of Texas, by adding thereto Article 650b, authorizing incorporation for two or more distinct purposes and separate franchise tax for each purpose, and with an emergency clause." Be it enacted by the Legislature of the State of Texas:

Section 1. That the following article be added to Chapter 2, Title XXI, of the Revised Civil Statutes of the State of Texas, to be known as Article 650b:

Article 650b. Private corporations may be created so amended as to include two or more of the following purposes, namely: The supply of water to the public, the manufacture and supply of gas, electric light and motor power, or either of them, to the public; the manufacture and sale of ice and the manufacture, supply and sale of carbonated water; provided, that private corporations including more than one of the purposes mentioned in this article in their charters shall each pay a franchise tax of ten dollars for each of the purposes included in their respective charters; and provided further, that the authorized capital stock of incorporations authorized by this article shall not exceed \$200,000.

Sec. 2. Whereas, there are many small cities and towns in the State where water and light plants could be more economically operated together than independently, to the advantage of the citizens of many localities; therefore, an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days is created, and the rule should be and is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day, at 10:20 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

Committee Room,

Austin, Texas, March 30, 1895.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 252, a bill to be entitled "An Act to incorporate the City of Waco and to define its boundaries and powers, passed by the Twenty-first Legislature, and approved February 19, 1899, said act to be amended by amending Section 1 of said act as

amended by an act of the Twenty-sixth Legislature, Chapter 13, page 178, Section 1, Special Laws of Texas, 1899, as amended by an act of the Twenty-eighth Legislature, Sections 1 and 2, Chapter 30, page 238, Special Laws of Texas, 1903, by defining the boundaries of the City of Waco and including additional territory within the corporate limits of said city; and further amending said act of the Twenty-first Legislature as amended by Section 2 of an act entitled 'An Act to incorporate the City of Waco and to define its boundaries and powers,' approved February 19, 1889, said act amending said act of 1889, passed by the Twenty-second Legislature, Chapter 12, page 25, Special Laws of Texas, 1891; said Section 2 of said act of 1891 adding to said act of 1889 Section 21a, which is further subdivided into b, c and d, said Section 21a, with its subdivisions, being further amended by Section 2 of an act of the Twenty-eighth Legislature, Chapter 45, page 346, Special Laws of Texas, 1903.

"All pertaining, among other things, to local improvements; now amended by re-enacting and amending Section 21 of said act of the Twenty-first Legislature, and by amending said Section 21a, with its subdivisions, as added and amended by Section 2 of said acts of 1891 and 1903, authorizing the city council, among other things, to fix liens and incumbrances on property for local improvements, and by adding thereto another section to be designated e, as a subdivision of said Section 21a, said e providing method for determining amount of and fixing said demands, liens and incumbrances, with costs and penalties. And further amending said act of 1889 by amending Section 35 thereof, and prescribing a new method of publishing criminal ordinances; and further amending said act of 1889 as amended by adding thereto Section 21f, prescribing and authorizing the city to adopt a cumulative method of abating and removing nuisances, and making same additional to authority already held by said city, and relieving city of liability in certain instances; and further amending said act of 1889 by adding thereto Section 21g, granting the city further and cumulative authority to regulate the sale of intoxicating liquors in said city; and further amending said act of 1889 by amending Section 4 of said act as amended by Section 1 of an act passed by the Twenty-fifth Legislature, Chapter 3, page 7, Special Laws of Texas, 1897; and further amending said act of 1889 by adding thereto Section 19a, creating a water commission and certain other offices

for said City of Waco, and defining their powers and duties and authorizing the city council to pass such civil and criminal ordinances, and enforce such penalties as they may deem necessary to protect the property in said plant, punish wastes of water or abuse of privilege or unauthorized use of water from the city waterworks; and further amending said act of 1889 by adding thereto Section 2a, fixing further limitations on city's liability in suits for damages for personal injuries; and further enacting that all ordinances passed under former authority and not inconsistent herewith shall remain in force until repealed by the council; and all liens, encumbrances and demands heretofore fixed or established, or for the fixing or establishing of which proceeding has begun, shall be valid, and providing for an emergency."

And find the same correctly enrolled, and have this day at 10:20 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas, March 30, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 186, being "An Act to amend the charter of the City of El Paso, entitled 'An Act to incorporate the City of El Paso and grant it a new charter,' approved March 2, 1889, as amended by an act entitled 'An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the City of El Paso,' became effective April 26, 1899, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections, passed at the regular session of the Twenty-sixth Legislature, and to provide a just and effective law for making necessary street improvements and paying the cost of the same, by adding to said city charter of the city of El Paso Section 148a, inclusive, and by repealing all laws and parts of laws in conflict with such added sections, and to declare an emergency."

And find the same correctly enrolled, and have this day at 10:20 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.
Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 300, being "An Act to amend Chapter 3 of the General Laws of the State of Texas, passed at the first called session of the Twenty-seventh Legislature, approved September 2, 1901, amending Chapter 3, Section 1, of an act to amend Section 1 of an act entitled 'An Act to redistrict the State into Judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to amend an act entitled 'An Act to regulate the terms and fix the times for holding district courts in the First Judicial District of Texas, composed of Jasper, Newton, Orange, Jefferson and Tyler counties, so as to change the terms in Tyler and Jefferson counties,' approved April 10, 1889; to create the Fifty-eighth Judicial District of the State of Texas; to fix the times for holding court therein, and to provide for the appointment of a district judge and a district attorney for said Fifty-eighth Judicial District, and to validate all writs and other processes heretofore issued out of the district court of said First Judicial District, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,' and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly enrolled, and have this day, at 10:15 o'clock a. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

EDUCATIONAL AFFAIRS.

Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 590, a bill to be entitled "An Act creating the Jacksonville independent school district in Cherokee county, Texas," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

GRINNAN, Chairman.

CITY AND TOWN CORPORATIONS.

Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on City and

Town Corporations, to whom was referred

House bill No. 389, a bill to be entitled "An Act relating to finances of cities, towns and villages in the State of Texas incorporated under the General Laws thereof, providing for a system of depositories for their funds, and providing how and when the same shall be selected, for the bond of the depository, how, when and where the treasurer shall deposit in the depository, and penalty for failure so to do; and the duties of the treasurer; for failure to select depository and duty of the council or board of aldermen; for warrants and how drawn, and penalties; and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEATY, Chairman.

STATE ASYLUMS.

(Floor report.)

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on State Asylums, to whom was referred

House bill No. 387, a bill to be entitled "An Act to create and establish a 'Confederate Woman's Home' for the indigent wives and widows of the ex-Confederate soldiers and sailors of Texas; and to make an appropriation for the maintenance of the same, and to provide for a governing board."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

FAULK, Chairman.

COUNTY AND COUNTY BOUNDARIES.

Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on County and County Boundaries, to whom was referred

House bill No. 316, a bill to be entitled "An Act to fix and limit the fees of the justices of the peace of the State of Texas in civil and misdemeanor cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HANGER, Chairman.

Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on County and County Boundaries, to whom was referred

House bill No. 571, a bill to be entitled "An Act to create the county of Terrell out of the territory of Pecos county and to provide for its organization."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HANGER, Chairman.

AGRICULTURAL AFFAIRS.

Committee Room,

Austin, Texas, March 31, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

House bill No. 164, a bill to be entitled "An Act to prevent the keeping of certain fruit trees affected with yellows, crown gall, black knot or any tree, shrub or plant infested with or by San Jose scale or other contagious, injurious or destructive pest; and declaring such affected and infested trees, shrubs and plants a public nuisance, and making it the duty of the Commissioner of Agriculture, Insurance, Statistics and History to seek out and destroy such trees, shrubs and plants, or cause the same to be done, or to have such affected and infested trees treated; and providing the manner of such destruction and treatment, and for an investigation by the Commissioner of Agriculture, Insurance, Statistics and History when he believes, or has reason to believe, that any of such diseases or pests may exist in this State, and providing the manner of combating such diseases and pests, and the prevention of their spread and dissemination; providing for the examination of nurseries and giving certificates to that effect; regulating the importation of trees, shrubs and plants from without the State; forbidding the selling, consigning or shipping of nursery stock without such certificates; providing for the fumigation of certain trees, shrubs and plants; providing penalties, and making an appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARBISON, Chairman.